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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 6, 1995.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that with all the tasks that need to be accomplished, we will see clearly the opportunities that have been given for healing and helping, for encouraging and being made whole. With the dilemmas and perplexities that demand attention and the great needs of the Nation, we pray for a serenity of spirit that leads in the way of service to others. Remind us, O loving God, to lift our eyes to sense not only the obstacles that necessarily press from every side, but also to see the blessings that You have so graciously given and for which we are eternally thankful. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas, Mr. GENE GREEN, come forward and lead the House in the Pledge of Allegiance.

Mr. GENE GREEN of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2204. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1058) ''An Act to reform Federal securities litigation, and for other purposes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain twenty 1-minute speeches on each side.

THE SPENDING IS THE PROBLEM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President now has 10 days left to decide if he really cares about America's future. That is why I am bringing this sign back to the floor today. I used it in 1993, and it is appropriate for him again today. ''It is the spending, Stupid.''

I hope all of America sees through Clinton's charade. He just wants to spend more of your money, and that is why he will not sign a balanced budget with honest CBO numbers. He does not care about seniors, he does not care about education, he does not care about the future of the country. If he did, he would sign the Balanced Budget Act, which saves Medicare and actually increases spending on Medicare and education and reduces the size and scope of the Federal Government.

If the President does not sign a balanced budget plan with honest Congressional Budget Office numbers like he agreed to, we are ready to shut the Government down before we give him one more dime to spend. The President wants to spend more money. We want to save America's future. It is just that simple.

NO NEWT TAXES

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, let me quote some Republicans.

Like Abraham Lincoln, who said ''malice toward none and charity for all''—an idea that today's Republicans seem to have forgotten.

And I love NEWT GINGRICH'S quotes from a few years back—when he used to talk about the ethics of the Speaker of the House.

And, how about George Bush's line about reading his lips—no new taxes?

Well, I have a new version: ''Read our lips. No Newt Taxes.''

That is what working families are saying as the GOP raises their out-of-pocket expenses for health care and education.

The Republicans will not admit that they are raising taxes—they will even say they are cutting them.

Well, if you are a senior, and the GOP raises your Medicare premium—that is a new tax.

If you are working 40 hours a week, and the GOP takes away your earned income tax credit—that is a new tax.

In fact that is a Newt tax.

So, Mr. Speaker, ''Read our lips. No Newt Taxes.''

George Bush broke his word, and NEWT GINGRICH is breaking his. But, we Democrats will stand by our word—and stand up for working families.

''Read our lips. No Newt Taxes.''

Mr. Speaker, that is our Contract With America.

INSTANT REVISIONIST HISTORY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my dear friend from Illinois and his instant revisionist history, because the fact remains that the current Chief Executive, aided by the former majority, the liberals who once dominated this Chamber, gave us the largest tax increase in American history. Indeed, this same President, along with the liberal minority, in fact, proposes to raise Medicare premiums for seniors coming up following the next election. That is the bottom line. That is the truth.

Mr. Speaker, the facts are clear: The American people get kind of tired of this political one-upmanship. They want us to come to grips with realistic policy alternatives to balance this budget in 7 years, using the honest numbers of the nonpartisan Budget Office.

Once again the challenge is clear: Do we play the games of politics of the past, or instant revisionist history, or do we put our shoulder to the wheel and collectively govern, both the legislative branch working with the executive branch. Once again we reach out our hand saying help us govern. Let us get a balanced budget.

LET US BE MESSENGERS OF PEACE AND GOOD WILL

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, the holiday season offers us an opportunity to pray for peace among men and nations. We have so much to be thankful for. So different from a decade ago, the world is a much more peaceful place. In large part our Nation, its leaders, its men and women in uniform, and its people, united and proud, are responsible for this state of affairs.

As we take time to count these many blessings, we should reflect upon the efforts of the peacemakers, whether they be diplomats who have worked to overcome age-old hatreds by pushing forward a hard-fought agreement in Dayton or our soldiers protecting innocent children in Bosnia, we should pray for their safety and continued success. We should thank and pray for our President, who has been the motivating force behind this effort to bring peace behind the world.

I urge my colleagues to wear the stickers I have sent to each office. This can be a sign that we can rise above partisan wrangling to rally in support of the peacemakers, and cheer their many triumphs in Haiti, the Mideast, Northern Ireland, and Bosnia.

Mr. Speaker, let us all be messengers of peace and good will as we approach the holidays, and pray for our American soldiers in Bosnia.

PRESIDENT SHOULD SIGN BALANCED BUDGET BILL NOW

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker it has now been 18 days since the President promised in writing to sign a balanced budget bill into law by the end of this year. The Republicans have sent a balanced budget bill to the President—it is right now sitting on this desk just waiting to be signed.

The Republican balanced budget plan is good for the economy and good for the American people. Our bill will not only stimulate the economy, providing more job opportunities for all, but protects programs older Americans depend on like Medicare and Medicaid. Our bill also increases spending over 7 years in programs like student loans and the earned income tax credit, which many young people depend on.

Mr. Speaker, the President should sign the Republican balanced budget bill. If he does not like our plan then he should provide his own, using honest CBO numbers, and bring it to the bargaining table so that negotiations can begin. How much longer will we have to wait.

NORTH AMERICAN FREE-TRADE AGREEMENT COSTING JOBS IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since NAFTA, America has lost 250,000 jobs in 1995 alone. Lockheed laid off 15,000; Chemical Bank, 12,000; Bell South, 11,000; AT&T, 8,500; Boeing, 12,000; CNA, 6,000; Kmart, 6,000; General Motors, 5,000; Kodak, 4,000. Even Fruit of the Loom will make the Expandos, folks, in Mexico, 3,200 jobs lost. Meanwhile, Congress keeps debating and arguing over this balanced budget.

Tell me, Mr. Speaker, whether it is a 5-year deal, a 7-year deal, a 10-year deal, whatever the deal is, how can America balance the budget without jobs? Mexican workers do not pay taxes. Mexican workers do not pay taxes. What is next, a 20-year deal?

Beam me up. I yield back the balance of these job losses.

PROCTER & GAMBLE DOING SERVICE FOR AMERICA

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, in the midst of very pressing congressional business involving the budget, Bosnia, and the like, it sometimes is easy to overlook important events outside the legislative realm. But actions that affect our social fabric, that speak to our values as a society, often have the most profound impact upon our Nation.

I rise here to applaud the recent announcement that Procter & Gamble, a fine Cincinnati-based corporation that makes just about every product that you can buy, has decided to pull its advertising from certain degrading and exploitative television talk shows. In taking this principled stance involving its quite considerable ad budget, Procter & Gamble demonstrates an admirable social commitment.

Procter & Gamble is exercising choice, not censorship. It is choosing not to underwrite the moral decadence too often engaged in by these shows.

Private individuals and private businesses can address many of our social problems far more effectively than can Big Brother Government. By making values part of its bottom line and by joining with Bill Bennett and Senator JOE LIEBERMAN in taking off this TV trash, they are doing great things for our country.

CUT AMERICAN LOSSES ON NAFTA BEFORE IT IS TOO LATE

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELAZQUEZ. Mr. Speaker, in light of NAFTA's second anniversary a few weeks ago, we must take a long, hard look at the empty promises that were made and NAFTA's shameful reality.

We promised American workers that NAFTA would create jobs. Corporations descended on Congress promising 200,000 new jobs. The shameful truth is 250,000 were lost.

Mexican workers heard empty promises, too. They were assured higher wages and better working conditions. I witnessed NAFTA's reality first hand at Mexican maquiladoras. Some of the businesses that came to Congress making promises have left the United States and found their way to Mexico. They exploit cheap labor and Mexican workers still suffer.

We listened to promises that NAFTA would increase exports, balance trade, and even create a trade surplus. The reality is United States exports are down while Mexican exports soar. This year alone we face a projected $40 billion trade deficit.

Mr. Speaker, these broken promises mean one thing. The time has come to fix this bad deal. I urge my colleagues to support the NAFTA Accountability Act and cut America's losses before it is too late.

BALANCED BUDGET IN 7 YEARS IS THE RIGHT THING TO DO

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, it is reported today that the President has decided to submit his third budget this year. This one is to balance in 7 years. Well, I hope three is a charm. The first two did not even come close to balancing.

But I would hope it is like the President's Medicare proposal, because, as reported yesterday in the Washington Post, if you look at expenditures in the year 2002, it is remarkably close to the Republican plan. In fact, it is less than 2 percentage points apart, less than 2 percentage points apart. Where are the cuts, Mr. President?

Well, according to this article, the President just had the wrong starting point. So if his balanced budget is as close as his Medicare plan, there is no reason for him to shut down the Government again.

Let us do the right thing for the American public, the right thing for ourselves, the right thing for our children. Let us balance the budget in 7 years.

BUDGET COMPROMISE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the President has made a fair compromise offer to our appropriations woes. President Clinton has offered to sign all of the outstanding appropriations bills if we agree to restore $6.8 billion from the $222 billion extreme cuts in those spending bills. The administration wants to restore funding for education, for veterans, and for environmental efforts.

Mr. Speaker, this is a hopeful sign. The administration has signaled their effort to compromise and get the issues of the remaining appropriations bills dealt with so the taxpayers do not have to spend another $850 million to give our Federal employees a paid vacation.

It is time to compromise. The American people have signaled they believe these Republican appropriations bills cut too much, too fast. They want to restore funding for education, veterans, housing, and environmental programs, and then get about the business of setting the priorities for a balanced budget.

With the bipartisan success we saw in the lobby reform bill, the increase in Social Security earnings limits yesterday, and the gift ban last week, I believe we can work together for the good of the American people and pass some commonsense appropriations bills that fund these important programs and cut where needed.

□ 1015

THE PRESIDENT AND CONGRESS TO ENACT LEGISLATION FOR BALANCED BUDGET IN 104TH CONGRESS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, more than 2½ weeks ago President Clinton signed the following commitment into law. This is the text, so there is no confusion. I quote. ''The President and the Congress shall enact legislation in the first session of the 104th Congress,'' that is 1995, ''to achieve a balanced budget no later than fiscal year 2002, as estimated by the Congressional Budget Office; and the President and the Congress agree that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment. Further, the balanced budget shall adopt tax policies to help working families and to stimulate future economic growth.''

The Congress did this long ago. The President says he does not like the Republican balanced budget plan. That is fine, but where is the President's alternative 7-year budget plan with CBO numbers? Mr. Speaker, the President has made a commitment. The deadline is Friday. We are waiting.

VOTE TO SAVE COPS PROGRAM

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, today, we will vote on the Commerce, Justice, State, and Judiciary appropriation bill, which contains the COPS Program. Not only does this bill do away with the successful COPS Program, but if we look on page 21 of the bill, it repudiates the COPS contract that the Department of Justice has signed with our local communities. If my colleagues have received a police officer in their district under the COPS Program, Federal funding for the third year of this program may be taken away.

Having walked a beat myself as a city police officer, I am concerned that not only does the police officer have to worry about his or her personal safety and the community's safety, but now they have to worry about their employment security and safety. The new majority wishes to break the contract with our police officers. Fifty-four police officers in my district are at risk. So let us stand up for the police officers in our communities, let us not allow this new majority to risk the employment opportunities for our police officers. Vote ''yes'' on the Democratic motion to recommit to save the COPS Program and continue employment of cops in your district.

AMERICAN PEOPLE WANT A BALANCED BUDGET AND THEY WANT IT NOW

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, the Commerce, Justice, State, and Judiciary bill will come to the floor today, and it cuts more than the House bill originally did and takes a meaningful first step toward eliminating the Commerce Department, which will be passed this year in Congress and will be on the President's desk.

Also, Mr. Speaker, the results are in on the largest public opinion poll ever taken: 7,200 registered voters. Eighty-six percent believe the President and Congress should deal with the budget issues now instead of after next year's elections; 73 percent agree that unless the President and the Congress stick to a 7-year deadline neither will balance the budget and eliminate the deficit; and 55 percent think money should be reduced by the Federal level and given back to the States and local governments who know better how to spend it.

Mr. Speaker, the results are in, the opinion is clear, the American people want a balanced budget and they want it now. The President should offer his budget now, finally.

REPUBLICANS WANT TO RAID CRIME TRUST FUND

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, today is an important day for law enforcement across America. Our Republican friends want to raid the crime trust fund and jerk a commitment of 100,000 police officers who will be on our streets, protecting our neighborhoods. It is time to stand up for our cops.

And what about law enforcement in our own neighborhood, right here on the floor of Congress? Twice now the American people have been denied the right to know what the Committee on Standards of Official Conduct has been doing the last 14 months concerning these serious ethics charges against Speaker GINGRICH.

Finally, our Republican colleagues seem willing to permit an outside real prosecutor, so long as that prosecutor's hands are tied and bound from doing anything about the serious charges of

illegal GOPAC campaign contributions, about the $250,000 of NEWT's support, as they call it, for Speaker GINGRICH.

As the nonpartisan citizens action group, Common Cause, said yesterday, in calling for the recusal and removal of the Committee on Standards of Official Conduct chairman, ''What is at stake is the integrity of the House ethics process.'' It is time to end the coverup and stand up for law enforcement.

PRESIDENT SHOULD SIGN THE BALANCED BUDGET ACT OF 1995

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, Republicans in Congress have advocated a fair, realistic agenda, literally the beginning of this session of Congress. We want to balance the budget in 7 years using honest Congressional Budget Office numbers. We want to save Medicare from going bankrupt. We want genuine welfare that emphasizes work and we want to cut taxes for working families.

Despite the unending stream of misinformation coming from the press these days, the American people overwhelmingly endorse this agenda. A recent mega poll taken of 7,200 registered voters confirm that there is wide and popular support for the Balanced Budget Act now sitting on the President's desk. In fact, 86 percent of the poll's respondents said that the budget issue should be squared away this year, now.

The President should stop the rhetoric and sign what the American people overwhelmingly support, the Balanced Budget Act of 1995.

DELAYED DECISION FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, for 14 months the House Committee on Standards of Official Conduct has dithered, dallied, and delayed making a decision on the complaints against Speaker NEWT GINGRICH. As we learned earlier this year, delays in the Committee on Standards of Official Conduct investigations give the appearance of a coverup. The secrecy and delays connected with the Bob Packwood investigation brought disgrace to this institution. Let us not repeat the same mistake when it comes to the Speaker of the House.

Public pressure and the increasing public disclosure of potential wrongdoing has compelled Republicans on the Committee on Standards of Official Conduct to consider an outside counsel, but only with severely limited duties, so that many of the questions that need to be answered would be left untouched.

Mr. Speaker, we need an outside counsel allowed to conduct a full investigation, and let the chips fall where they may. As Mr. GINGRICH himself said in 1988, the only way to ensure a thorough nonpartisan investigation of the highest ranking Member of the House is to appoint an outside counsel with, and I quote, ''The independence necessary to do a thorough and complete job.''

The time to appoint an outside counsel is now. Further delays will cause damage to this institution.

PRESIDENT CLINTON AND THE CBO

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, I notice none of our Democratic colleagues want to talk about the budget this morning. Perhaps that is because they are just as confused as we are about the President's latest proposal.

Mr. Speaker, the President now says that pursuant to the bill that he signed into law, he will propose a balanced budget in 7 years, but he wants to use false numbers generated by the Office of Management and Budget.

The last time the President put forward a so-called budget, it was a vague 22-page summary, and the nonpartisan Congressional Budget Office said it had annual deficits in the range of $200 billion as far as the eye could see, well into the next century. Now the President says he will give us the details, but he still does not want to use Congressional Budget Office numbers, as he is obligated to do by the bill he signed into law.

Yet, the President, a few years ago, stood right here, gave a State of the Union Address, February 17, 1993, and said, quote, ''I will point out that the Congressional Budget Office, which is normally more conservative about what is going to happen, and closer to right than previous Presidents have been. I did this so that we could argue about priorities with the same set of numbers.''

It is time for the President to get with the program and follow the law that he signed.

REPUBLICAN BUDGET CUTS

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I appreciate the invitation from my colleague to talk about the budget, because that is exactly what I came here to talk about.

Last Friday I was down in Durham, NC, in my congressional district, talking to poor people about the reconciliation bill and the budget that has been proposed by my Republican colleagues. They could not believe what I was telling them: $270 billion in cuts in Medicare, $180 billion in cuts in Medicaid, making our health and our future at risk.

They could not believe that our Republican colleagues were talking about cutting reading programs for the most vulnerable kids in America. They could not believe that they were talking about taking kids, 1 to 2 million more kids, and putting them in poverty, all for the purpose of giving a tax break to the richest people in America. Get real. This is real dollars we are talking about, and the future of our country we are talking about.

CLINTON BUDGET COSTS AMERICAN CHILDREN

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I give credit to the liberal education system that our colleagues cannot add or subtract. There is no cut in Medicare, and they know that. Mr. Speaker, the Clinton budget costs American children $187,000, just on the interest of the national debt. By contrast, the Republican Congress is turning toward the best interest of our American children, balancing the budget and investing in their education.

I have heard colleagues say we are cutting programs such as Goals 2000. Absolutely. We zeroed out, and I would do it again, Goals 2000 on a Federal level. We are spending the money down at the State level, sending the money closest to the people, driving it down to the school districts. And they can do a Goals 2000 at the State level, but they do not have 38 instances in the bill of Goals 2000 that said the State will do this or the Federal intrusion. They can still do a Goals 2000 and these other programs. Any additional savings goes to the children.

ORGAN DONATION

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to talk about an issue that is very near and dear to my heart. Organ donation. As most of my colleagues know, I underwent a successful liver transplant this summer, and because someone gave me the gift of life, I am able to be with all my friends today.

Lucky for me, organ transplantation is no longer an experimental procedure, but rather a lifesaving procedure. My colleague, the gentleman from South Carolina, FLOYD SPENCE, and I are certainly living proof that transplantation works and that it saves lives.

But, unfortunately, Mr. Speaker, FLOYD SPENCE and I were the lucky ones. The fact of the matter is, most Americans have no idea of the importance of organ and tissue donation.

Today, 43,000 Americans from all over this country are waiting for a transplant. Serious life-threatening illnesses, Mr. Speaker, just do not discriminate.

The greatest tragedy of all, Mr. Speaker, is that every day eight people die waiting for this donor organ. And that is not because they are not out there, it is because far too few people realize how precious a gift they can give before it is too late.

I would like to take this time, Mr. Speaker, to ask my colleagues to discuss the issue of organ donation with those they care about. Give someone the miracle of a second chance. Give the gift of life and become an organ donor. I just cannot tell my colleagues how much it meant to me.

REFORM LEGAL IMMIGRATION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, our legal immigration system is broken and needs to be fixed.

It forces husbands and wives and their children to wait up to 10 years to join each other in the United States.

Also, the number of legal immigrants applying for supplemental security income has increased 580 percent over the last 12 years. That costs hard-working taxpayers $4 billion a year.

And our broken legal immigration system drives the crisis in illegal immigration. Over 40 percent of all illegal aliens arrived as legal immigrants but overstayed their temporary visas.

To fix these problems, the Immigration in the National Interest Act, H.R. 2202, substantially reduces the waiting time for families to be reunited.

It also encourages legal immigrants to be self-reliant and discourages them from becoming a burden to the American taxpayer.

Help fix a broken immigration system and support the Immigration in the National Interest Act.

□ 1030

THE HOUSE MUST NOT TOLERATE A DOUBLE STANDARD

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, both Common Cause and I insist that in order to carry out the responsibilities of an outside counsel effectively, it is necessary for the counsel's authority and independence to be clearly and publicly established. The special counsel must have the authority and independence necessary to conduct the inquiry in an effective and credible manner. The House of Representatives, as well as the American public, deserve an investigation which will uncover the truth. At this moment, I am afraid that the apparent restrictions placed on this special counsel will not allow the truth to be uncovered. ''The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House. Clearly, this investigation has to meet a higher standard of public accountability and integrity.'' Prophetic words, indeed, Mr. Speaker.

These are the words of the current Speaker of the House in 1988 referring to the investigation of a former Speaker of this House. This House cannot and must not tolerate a double standard. The Ethics Committee must follow the standard set by Speaker GINGRICH himself.

We need an outside counsel to investigate Speaker GINGRICH and we must not restrict the scope of that counsel's investigation. Let's get on with it.

WELFARE REFORM IN THE BALANCED BUDGET

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, Pastor Bob Timberlake is like firelight in a home's window to Nebraskans left out in the cold.

He runs the Open Door Mission, a shelter for Nebraska's homeless. On any given night over 200 guests get emergency shelter at the mission.

But the mission's help doesn't come with no strings attached. Pastor Bob strongly encourages work.

The Federal Government doesn't do that.

As a result, welfare has decayed working-class society like sugar on teeth.

That's why our welfare reform package is so important. After a decade of promises, the Republican majority is delivering true welfare reform. It will enforce work. No more something for nothing. No more free lunch.

And like Pastor Bob, it maintains our safety net at the same time it requires some sweat equity and elbow grease.

Too many children in our Nation are not just trapped in poverty, but trapped in the destructive welfare state.

I believe those who care about them should embrace real welfare reform.

QUESTIONS ABOUT A BALANCED BUDGET

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, there are a lot of questions that have been going on about the budget. Will we have a balanced budget? Will the Democrats go with the Congressional Budget Office numbers? When will the budget be balanced? Will the President, in fact, offer a balanced budget? Will it happen this year? Will it happen before Christmas?

In fact, Mr. Speaker, there has been so much confusion about the budget that I told the gentleman from Ohio [Mr. KASICH] to go down to the CIA and get one of the palm readers down there to give him a prediction.

One thing we know, Mr. Speaker, is that we do not need a crystal ball to read this agreement right here that happened between the Republicans and the Democrats. It says, both sides, including and especially the President, are committed to a 7-year balanced budget.

''The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than the fiscal year 2002, as estimated by the Congressional Budget Office.''

Not one person voted against this. This is what the discussion is all about, Mr. Speaker. Let us keep our commitments and follow this agreement.

A 50-PERCENT INCREASE IN STUDENT LOAN PROGRAM IS NOT A CUT

(Mr. SOUDER asked and was given permission to address the House for 1 minute.)

Mr. SOUDER. Mr. Speaker, I come to the floor to set the record straight concerning the student loan and Pell grant proposals in the Balanced Budget Act of 1995.

Mr. Speaker, contrary to what my colleagues may be hearing from sources on the other side of the aisle, Federal student loans are not cut. In fact, loan volume will increase by 50 percent over the next 7 years without imposing additional costs to students or parents. This amounts to an increase of $12 billion in spending on Federal student loans through the year 2002; from $24 to $36 billion in 7 years.

Mr. Speaker, not only do Republicans increase spending for the guaranteed student loan program by 50 percent, but the maximum award for Pell Grants targeted to low-income students will rise to the highest level in their history, to $2,440.

We have targeted the expenditures to those who need it most; not cut them. Democrats have barraged the airwaves to convince the public that Republicans are cutting Federal financial aid, but a 50-percent increase in the guaranteed loan program demonstrates that this is not the case.

COMMITMENT TO A BALANCED BUDGET

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, 18 days ago in the House of Representatives we passed a continuing resolution that had the language in it, that the gentleman from Georgia [Mr. KINGSTON]

just showed, that makes and unequivocal commitment of every single Member of this House that voted that day. Not one single Democrat voted against that. Nobody has voted against that. The President of the United States signed it into law.

Mr. Speaker, it says clearly and simply we are going to, by December 31, midnight, 1995, we will enter into a balanced budget agreement that will show by the year 2002 the amount that we spend is going to be in balance with the amount that we take in.

It has been 18 days since the President signed that into law. The President has not given one ounce of indication as to exactly what he is going to do; how he is going to get to that point. We have a piece of legislation that has been passed on the Senate side and the House side. It has been passed in conference. It is, in fact, the Balanced Budget Act of 1995.

Mr. Speaker, if the President does not like it, would the President please come forward; would the Democratic leaders in the Congress please come forward; would the Democratic leaders in the Senate come forward and tell us where they differ.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule. Committee on Agriculture, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, and the Committee on Science.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. RADANOVICH). Is there objection to the request of the gentleman from California?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1058, PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I called up House Resolution 290 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 290

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, I yield the customary 30 minutes to my good friend, the gentleman from Dayton, OH [Mr. HALL], pending which I yield myself such time as I may consume. All time yielded is for purposes of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule provides for consideration of the conference report to accompany H.R. 1058, the Securities Litigation Reform Act. All points of order against the conference report and against its consideration are waived.

Securities litigation reform is not some abstract proposal that will prove meaningless to everyone but a few overlitigious lawyers and assorted legal professors around the country. This bill is about jobs. This is a critical step in our effort to help create more high-quality private-sector jobs here at home.

Private securities litigation is undertaken today in a system that encourages meritless cases, destroys thousands of jobs, undercuts economic growth, and raises the prices that American families pay for goods and services.

This legislation targets a particularly abusive class of securities lawsuits often filed with the sole intention of extorting pretrial settlement from companies whose stock has fallen in value. Because of the innovative nature of the work of high-technology companies, their stock values are inherently volatile, making them frequent targets of strike-suit lawyers. For example, nearly every company in California's Silicon Valley has faced this type of litigation, and this problem also plagues the cutting-edge biotechnology industry.

In States like California, where high-technology companies are a critical component of economic recovery and revitalization, strike suits aimed at crippling legitimate high technology firms are crippling prospects for growth and job creation.

The conference report on H.R. 1058 represents a bipartisan, bicameral agreement on securities litigation reform that will promote good business practices, protect investors' rights, and free innocent parties from wasteful and baseless litigation designed to enrich litigators alone. While Chairman BLILEY and Chairman FIELDS have done tremendous work to bring this conference agreement to the floor, I must note the efforts of my colleague from Newport Beach, CA, CHRIS COX.

CHRIS, a former securities lawyer, has been involved in securities litigation reform since his days at Harvard Law School. He has pushed this important reform effort throughout his 6 years in the House, and was ready to move forward at the beginning of this year when success became a possibility. His hard work and leadership has been critical to this effort.

Mr. Speaker, I urge my colleagues to support this fair rule and move to debate of the conference agreement on H.R. 1058.

Mr. Speaker, I include for the RECORD the following material from the Committee on Rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of December 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	56	66
Modified Closed[3]	49	47	20	24
Closed[4]	9	9	9	10
Total	104	100	85	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of December 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of December 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, House Resolution 290 is a rule which will allow consideration of H.R. 1058, the conference report to accompany the Private Securities Litigation Reform Act of 1995. As my colleague from California, Mr. DREIER, described, this rule waives all points of order against the conference report.

I have concerns about the bill for both procedural and substantial reasons. The rights of the minority were repeatedly violated in the conference process. The conference agreement was worked out privately by the bill's supporters without taking into consideration opposing views that could have improved the bill. During Rules Committee consideration of the measure, Mr. MARKEY testified that Democratic members of the conference committee were excluded from every aspect of the conference, and that this represented an outrageous breech of due process.

I also have concerns on substantial grounds. There is agreement on both

sides of the aisle that frivolous securities lawsuits need to be stopped and that the existing law needs to be changed. There is much in this bill that will help. But critics of this bill believe it goes too far and too fast.

It is unfortunate that Democrats were shut out of the conference process. Permitting full participation by conference members on all sides would have made this a much better bill.

The conference report makes numerous changes from the House-passed bill. Many of the provisions in the conference report will result in changes in securities practices in ways that we cannot predict and that could come back to haunt us. I need only remind my colleagues that the banking deregulation of the early 1980's was a case where we thought we were doing the right thing, but reducing Government control had a catastrophic effect a decade later.

During Rules Committee consideration, Mr. BEILENSON offered an amendment to the rule to provide 2 hours of debate. This was because Democrats were not given an opportunity to participate in the conference process and there were so many critical changes in the conference agreement. The amendment was defeated along party lines. It is unfortunate that the House will not have more time to consider the sweeping effects of this bill.

Mr. Speaker, this bill does accomplish needed reform. However, the long-term implications of this bill should give us all cause for concern. Regrettably, the House is not giving these issues the full airing that they require.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, in my remarks I intentionally failed to mention my friend, the gentleman from Thibodaux, LA [Mr. TAUZIN] because I knew I would have the opportunity to introduce him. He has, 8 years ago, introduced the first legislation on securities reform, and we are very pleased that we in the new majority have been able to finally move his legislation forward.

Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I rise in support of the rule. What we are dealing with is a part of litigation reform in America that deals with a specific kind of class action lawsuit brought against companies in America whenever their stock prices dramatically change.

The problem with this section of the law is that it does not do what the law ought to do. The law ought to say that a wrongdoer pays for the wrong he committed and that a lawsuit makes sure that the wrongdoer compensates those he injured.

□ 1045

In this particular section of the law, it does not matter whether you did anything right or wrong. In fact, over 90 percent of the lawsuits filed, these big class-action lawsuits, over 90 percent of them are settled for 10 cents on the dollar. In effect, they are shotgun lawsuits, strike lawsuits filed, designed to make all the parties contribute into a settlement fund at 10 cents on the dollar.

What does that mean? It means that the law does not really punish the wrongdoer. It says whether you are wrong or not, whether you are guilty of any wrong, you are going to contribute to a 10-cents-on-the-dollar fund to settle this lawsuit. Why? Because the lawsuits are so huge, they are like aircraft carriers moving through our legal system that the expense of defending the suit is much higher than the cost of putting into that 10-cents-on-the-dollar fund.

So everybody connected with the company puts into the fund to settle the lawsuit, make the lawyers go away, and the wrongdoers are never really punished. It is a system of law out of connection with the purpose of the law.

So we need to change it. This bill we are bringing up on this rule is signed on a conference report by both Democrats and Republicans. It is a bill that, as was pointed out, introduced about 8 years ago, that got very little attention from the former chairman of the committee. It ended up getting only two hearings in all those years. It was finally made part of the Contract With America. It passed this House with 325 votes, nearly 100 Democrats joining the Republican majority in support of this bill.

The Senate has now cleared it with an over two-thirds majority in the Senate. It is ready for us to act upon today. I urge adoption of this rule so that we can get on the conference report and hopefully pass this good bill to make this one important litigation reform.

What does it do? It sets up the proportionate liability so that nobody is deep pocketed, sued in such a way that you better come up with a settlement or you are going to get hit for everything. It ends the deep pockets theory. It requires specific pleading. It sets up a system of dealing with frivolous lawsuits by making the party who brings a frivolous lawsuit responsible for the cost of that lawsuit.

It sets up a new system to allow companies to legitimately advise people in advance of what they expect their company to do so that investors are being properly advised in terms of making investments. It does not eliminate the obligation of wrongdoers to pay for their wrong. In fact, it sets up a system of law to make sure real wrongdoers pay the tab. I urge adoption of the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me begin by saying that this bill is not controversial because there is a disagreement as to whether or not we have to crack down on frivolous lawsuits in this country. We agree upon that subject. The issue is whether or not we want to pass legislation that will become the law of this land, that will also prevent meritorious suits from being brought against those that deliberately mislead investors into expending their hard-earned money on financial investments which were, in fact, fraudulent in their nature.

That is what this whole debate is about. We who oppose the bill which is being brought out on the floor today want to shut down the frivolous suits as much as anyone who is a proponent of the legislation. However, what has happened is that over the course of the year, the interest in frivolous lawsuits has been replaced by, for all intents and purposes, an interest in all lawsuits. This bill could, in fact, have been made a good bill, but it was not.

Moreover, the gentleman from Michigan, Mr. DINGELL, the gentleman from Texas, Mr. BRYANT, the gentleman from Michigan, Mr. CONYERS, along with the gentleman from Maryland, Mr. SARBANES and the gentleman from Nevada, Mr. BRYAN on the Senate side, were all excluded from participating in a meaningful way in the crafting of this legislation so that it could, in fact, be made acceptable to all Members while addressing the core issues which each and every one of us wants to see dealt with.

The House bill that passed this body was 36 pages long. The bill which we are considering here today is 75 pages long. We were not allowed to see the final draft until we walked into the conference room to have the vote on this momentous piece of legislation. That is not a proper way to run the legislative process.

All Members should have been included. All Members should have been given notice. All Members should have had the opportunity to make suggestions which would have been appropriate to perfect this legislation. Moreover, I think it is important for all Members to know that, as the year began, the debate surrounded the issue of the 1934 Securities Act. As we are presented with a piece of legislation on the floor today, all of the fundamental changes that have been included to address the 1934 act have now been extended to cover the 1933 Securities Act as well, even though there is no testimony, not one shred of evidence that there has been any abuse by use of the 1933 Securities Act in securities litigation cases.

Let me make one final point at this juncture. We are dealing here with one-tenth of 1 percent of all cases brought in Federal district court, on average, about 125 cases a year. If this crisis of frivolous lawsuits is such a great concern to the Members on the other side, we should be dealing with the issue of companies suing other companies as well, because that is the bulk of cases in Federal district court. This only

deals with the ability of individuals to sue companies.

The reason that we are dealing with only this one area is that companies want to preserve their ability to sue other companies. Disney wants to be able to sue the Motion Picture Association for misuse of the image of Snow White. Burger King wants to be able to sue McDonald's. On and on and on and on. They use the courts in many instances as places for negotiation. But if individuals want to ban together and sue companies, well, we are going to put down a strict new set of guidelines dealing not only with those cases that are obviously frivolous but also where individuals have been deliberately misled, where material information has been withheld from investors with regard to the financial well-being of an institution.

That is wrong. I think everyone should know what is going on during this debate. But most importantly, because I think it strikes at the integrity of the institution, they should understand that those who oppose the bill were completely excluded. And no rule should pass on the floor of the Congress which has in fact treated its own Members in that way.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I have a simple comment to make about this legislation and about the way in which it was conceived. It was conceived in sin. I have this to say to my colleagues who have done it. Shame. Shame on them.

This is a raid on the small investor. It is an attack upon the public confidence in our securities system. I hear from my Republican colleagues comments about white collar crime and about criminals and violent crime.

Let me tell Members what the Fraternal Order of Police had to say about this bill, in a letter which was sent by their national president. ''I urge you,'' this is the national president of the Fraternal Order of Police:

> I urge you to reject a bill which would make it less risky for white collar criminals to steal from police pension funds while the police are risking their lives against violent criminals.

The International Association of Firefighters had a similar thing to say. Money magazine had these things to say about it, speaking on behalf of small investors:

> Congress aims at lawyers and ends up shooting small investors in the back. Let us stop this Congress from helping crooks cheat investors like you. Your 1,000 letters of protest may stop this Congress from jeopardizing investors. Now only Clinton can stop Congress from hurting small investors like you.

Four successive editorials in Money magazine.

The attorneys general of 11 States had this to say in a joint letter:

> We cannot countenance such a weakening of critical enforcement against white collar fraud. The bill goes so far beyond what is necessary, it would likely result in a dramatic increase in securities fraud.

The U.S. Conference of Mayors says:

> Over 1,000 letters from State and local officials from all regions of the country have been sent to Washington, representing an extraordinary bipartisan national consensus that H.R. 1058 would imperil the ability of public officials to protect billions of dollars of taxpayer monies in short-term investments and pension funds.

Here is what the Association of the Bar of the City of New York had to say:

> The safe harbor could immunize artfully packaged and intentional misstatements and omissions of known facts. Protecting knowingly false statements is not consistent with the purposes of the Federal securities laws and encourages exactly the kind of conduct those laws were designed to eliminate.

Our Republican colleagues did this in a dark back room, unattended by anyone who was opposed to their viewpoint, except a coterie of faithful lobbyists who participated in the process. Our Republican colleagues brought us a conference report on which no voice of dissent was heard in the discussions. The bill was presented to the conference just shortly before the conference convened.

What is in this bill? Virtual repealer of much of the protection of American investors, an open attack on the public confidence that we have in the securities market, and, in the safe harbor provisions, an active protection for fraud. It permits the law firm, for example, of Sly, Sneak and, Crook to put forward wonderful words of caveat like ''you really should not believe this particular footnote because it is not true, but.'' We are going to see more investor fraud and more loss of confidence in the securities industry than we have seen for years.

People tell us that the securities industry functions on the basis of money. It does not. It functions on the basis of public confidence. And if the public confidence is there, billions of dollars are made by everybody and we have, in consequence of this, the most liquid, open, and fair system of raising capital in the history of mankind. It is a miracle of the age. People come from all over the world as investors, as sellers of securities to participate in this market.

This legislation will go light years toward jeopardizing the public confidence in that market. I urge Members to reject this rule.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to the gentleman from Newport Beach, CA [Mr. COX], the prime author of this legislation.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

I appreciate the fiery rhetoric of the former chairman of the Committee on Commerce who led 99 of our colleagues to vote against this bill when it was overwhelmingly approved, over half the Democrats voting in favor of it and virtually all the Republicans earlier this year.

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But I have to take issue with what the gentleman said, because it simply is not true. What the gentleman said is there is an extraordinary bipartisan national consensus against this bill. The truth is, there is an extraordinary bipartisan national consensus in favor of this bill, which originally was, after all, the Dodd-Domenici bill. CHRIS DODD, presently the cochairman of the Democratic National Committee, is obviously not a Republican. PETE DOMENICI, the very respected chairman of the Committee on the Budget in the Senate, worked together with CHRIS DODD on this, well in advance of this bill becoming part of the Contract with America.

Because it was not conceived in sin by Republicans, but initiated in this bipartisan way by CHRIS DODD and PETE DOMENICI, we found that the bill yesterday passed the Senate once again with more than two-thirds voting in support. At last check, TED KENNEDY, who is not a flaming Republican, but TED KENNEDY, who represents so many high-technology companies in Massachusetts who are being victimized by fraudulent lawsuits by crooks and lawyers, working in tandem in many cases, these people need protection from our securities laws too. That is why PHIL GRAMM, TED KENNEDY, PETE DOMENICI, and CHRIS DODD, people on both sides of the aisle, have all come to agreement on this very important investor protection.

The safe harbor, which my colleague implied was some sort of Republican attack on small investors, was in fact an investor protection offered on the floor of this Chamber, not by a Republican, but by my good and wise colleague from California, NORM MINETA. The safe harbor provision of this bill was carefully drafted in concert with the Securities and Exchange Commission, and no less than the chairman of the Securities and Exchange Commission, appointed by President Clinton, Arthur Levitt, has said yes, this is a sound, safe harbor. The reason that we have it, of course, is so that investors and the market can get the very best information possible, so that they can protect themselves. That is what this bill is all about.

But, more than anything, we are not just protecting investors with this bill, we are protecting everyone in America. Yes, those who might have invested through their pension plan, or those who might have invested through a mutual fund, but everyone in America ultimately who uses the products manufactured by high-technology companies, who are the special victims of this kind of securities fraud, fraud through the device of a lawsuit.

I just want to mention one example of the kind of fraud we are going to

crack down on with this legislation. A company in San Diego, Alliance Pharmaceuticals, a very, very fine company, manufactures innovative drugs to treat critically ill patients with acute lung injury. Their drug, now in development, a highly oxygenated liquid which allows the lungs to breathe liquid, reportedly could help as many as 80,000 premature babies with insufficiently developed lungs to have the gift of life.

This bill is for Adriana Mancini, who was born weighing 1 pound 10 ounces, with a 1 in 10 chance of living. The drug, manufactured by Alliance Pharmaceuticals of San Diego, saved her life. Her mother, in a television report about this story, said, ''I prayed, please God, save our baby, and God did.'' The agent of God's miracle was Alliance Pharmaceuticals. The company came through with the medication that, as I said, can be used on 80,000 premature babies every year.

What Adriana's mother said, and it is important for everyone in this Chamber to hear this, is:

I just wish that everyone could have been in that room to see the joy and excitement on everybody's faces. A baby who was about to die made an exciting 180-degree turnaround.

Alliance Pharmaceuticals for its role in helping baby Adriana found itself on the wrong end of a fraudulent lawsuit, that is the only way to describe it, a fraudulent lawsuit, that was brought within 24 hours of the public announcement of nothing more than a delay in a new product development.

The president of this company wrote to the President of our country, and I would like to quote from his letter:

Reform of the private securities litigation laws is needed to protect the companies that are victims of frivolous suits.

I should add that Alliance won its lawsuit, but they have received no compensation for all the lost time of their workers who were developing drugs. They received no compensation for all of the legal fees that they had to spend. There was nothing that could be done about the fact that all of the management were taken away from their critical job. These suits, which are brought to extort settlements, do nothing more than injure all of us. Let me continue reading from his letter.

Reform of the private securities litigation laws is needed to protect the victims of frivolous suits, while preserving the ability for shareholders to recover in instances of fraud. It is unconscionable that greedy lawyers are allowed the virtual unrestricted ability to promote their own self-interests. Companies like Alliance are developing truly innovative and potentially life-saving products. Every dollar we spend defending these meritorious suits is one less dollar available for meaningful research and one less dollar available for shareholders.

Mr. Speaker, let us move forward with this critically important legislation, which is so bipartisan and has overwhelming support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RADANOVICH). Members should avoid references in debate to Members of the other body.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California, Mr. FILNER.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I will be opposing the rule and the bill. It is clear from the statements that we have heard and every editorial, every statement that I have read over the last few months, that if we had a reasonable and carefully crafted reform to the provisions of the antifraud cases that give rise to securities class actions, that would attract a resounding consensus in this body and around the country.

Instead, this legislation has attracted extraordinarily firm opposition from a broad group of people who have been involved in these issues. Virtually every witness with a reasonable claim to being objective and impartial testified in opposition to the initial Republican proposals earlier this year. The group representing securities regulators from all 50 States oppose it; groups representing the officials in State and local governments who issue municipal bonds oppose it. The U.S. Conference of Mayors and National League of Cities oppose it, along with more than 1,000 local officials, ranging from district attorneys to town treasurers to county commissioners.

The AARP, the National Association of Senior Citizens, the Gray Panthers all oppose it, as do the National Council of Individual Investors. Consumer Reports, Consumer Federation of America, and a host of other consumer groups oppose if. The AFL–CIO, the Teamsters, the Machinists, the Communications Workers, the American Federation of State, County and Municipal Employees, and the United Auto Workers, all these who manage more than $100 billion in pension funds for retirees, oppose it. The Fraternal Order of Police and International Association of Firefighters also strongly oppose this legislation.

Mr. Speaker, if one reads the press beyond the Beltway, it overwhelmingly opposes it. If there is strong support for reasonable measures to stop frivolous lawsuits, but opposition to this bill, does that not tell us a lot?

I urge my colleagues to demonstrate that this bill should be fixed by voting ''no''; ''no'' on the rule and ''no'' on the bill.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, let me point out something that I think everyone should understand as we take up this bill today. That is that the Congressional Budget Office estimates that there will be new burdens for the Securities and Exchange Commission as a result of the passage of this legislation. Here is what CBO said:

By discouraging private litigation, enacting this bill would result in an increase in the number of enforcement actions brought by the SEC. CBO expects that the number of financial fraud enforcement actions would at least double, and possibly triple. Therefore, CBO estimates the enactment of the bill would increase costs of the Securities and Exchange Commission for enforcement actions by $25 million to $50 million annually, or $125 million to $250 million over the next five years.

CBO's objective analysis is extremely revealing. First, it demonstrates that the CBO believes that this legislation will prevent defrauded investors from bringing meritorious cases, leaving the burden entirely on the Securities and Exchange Commission. So the CBO has in effect confirmed our fear that this legislation goes too far and will harm innocent investors in its zeal to wipe out frivolous lawsuits.

Now, one might reasonably ask whether the CBO analysis is credible, whether it is reliable, whether it is in fact accurate. That is a fair question. So we decided to look at what Republican leaders have been saying about the credibility of the CBO. Here are some of the more recent excerpts.

Committee on the Budget Chairman JOHN KASICH has made several recent comments about the CBO. In just the last few days he has said that the ''CBO has painstakingly earned its reputation for accuracy and credibility over the years.''

On the ''MacNeil-Lehrer News Hour'' 2 weeks ago, Chairman KASICH said, I guess just the ''Lehrer News Hour,'' that the ''CBO cannot be bullied; they cannot be beaten up, and their integrity will not be questioned.''

On ''Larry King Live'' just 3 weeks ago, he said, ''After using the CBO and understanding the integrity of the way they work, it's the best way to go.''

Senator TRENT LOTT, the Republican majority whip in the Senate, said in a press conference 3 weeks ago, ''We've got to have reliable numbers. CBO has been reliable over the years. Even this year, with some of the things we would like CBO to have said, they've said no, that's not a fact. So they are the honest brokers.''

Of course, the legislation does not include a $25 to $50 million annual supplement to the Securities and Exchange Commission to make up for some of the meritorious and nonfrivolous cases which will have to be brought by the SEC as a result of passage of this legislation, cases where there has been actual fraud. Instead, the SEC budget is frozen and they are in fact fortunate to get that, because the Senate Finance Committee has actually targeted them for a 20 percent cut, even though this is a time of record growth, activity, participation and complexity in our capital markets and, after the passage of this bill, needed additional enforcement where there are actual meritorious cases involving deliberate fraud on the part of companies, financial firms, on innocent investors across this country.

By the way, the CBO is not alone in this forecast. Former Republican SEC

Chairman Richard Breeden testified in 1991 that if securities fraud lawsuits were curtailed, the SEC would need to hire 800 to 900 additional investigators and lawyers to make up the difference. And 11 States attorneys general have criticized the legislation as an unfunded mandate.

I apologize for taking so long, but this is the only time that we in the minority have had to discuss this bill this year. It is necessary for the gentleman from Michigan [Mr. DINGELL] and I and others on our side to put the facts out on the case, so that historically those who in this Chamber are blessed with hindsight will be able to see in 5 years or so what in fact has happened in the aftermath of the passage of this legislation.

Eleven attorneys general have criticized the legislation as an unfunded mandate. They argue in a strongly worded letter that the draft report's major provisions pose significant obstacles to meritorious fraud actions by investors and that these cases will inevitably land in the laps of already overburdened State and local prosecutors.

Considered together, it is ironic that we are on the verge of abandoning a largely successful and effective system of private market-based regulation. The changes could have been made to deal with the frivolous lawsuits, but instead we are going to put the burden on State and local prosecutors, and if the Federal Government does not act, there will be a huge vacuum that will leave investors at the mercy of unscrupulous financial operators.

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Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank my friend from Ohio for yielding time to me.

I wanted to point out that there are a lot of people across the country that realize the mistake that this House is about to make in considering this legislation. In fact, it is unprecedented that Money magazine, which is the largest financial publication in this great country, with over 10 million readers, has written four editorials against this bill. Four editorials.

It is unprecedented that a Time, Inc. editor would, in fact, feel so strongly that he wrote, ''I urge President Clinton to veto this legislation.'' That is unprecedented for an editor from Time, Inc. to write something like this.

In September 1995, the Money editorial said, ''Congress aims at lawyers and ends up shooting small investors in the back.'' And to read just a portion of that editorial, he says,

At a time when massive securities fraud has become one of this country's growth industries, this law would cheat victims out of whatever chance they may have of getting their money back. In the final analysis, this legislation would actually be a grand slam for the sleaziest elements of the financial industry at the expense of ordinary investors.

In October 1995, a month later, Money magazine said, ''This misguided law would, in fact, help white collar criminals to get away with cheating investors.'' They say, in responding to their calls for urging of the White House veto, the angriest responses so far have come from Republicans who were denouncing their own party for pushing these bills.

Then, in November of this year, they said the struggle over these securities litigation reform bills offers a picture window view of how laws are being created by the lobbyists and for the lobbyists in this 104th Congress. Money magazine says lawmakers said they wanted to discourage frivolous securities suits and that is a fine goal, but as one moderating amendment after another was voted down, the legislation the Republican majority and the lobbyists produced went far beyond curbing meritless lawsuits to all but legalizing securities fraud.

And, finally, as I said, in a fourth consecutive unprecedented editorial this month, Money magazine said now only Clinton can stop Congress from hurting small investors like you. They begin the editorial,

The President should not sign it; he should veto it and here is why: The bill helps executives get away with lying. Investors who sue and lose could be forced to pay the winners' legal costs. Even accountants, who okay fraudulent books, will get protections. This bill will undermine the public confidence in our financial markets. Without that confidence, this country is nowhere.

This rule should be voted down, the bill should be voted down, and we hope that our colleagues will heed us.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Appleton, WI, my friend [Mr. ROTH], who, I would note, as the debate on the rule for this very important conference report rapidly comes to a close, is the chairman of the Trade and Tourism Caucus, where he understands the importance of job creation.

Mr. ROTH. Mr. Speaker, I say to the gentleman from California, Thanks, coach, for putting me in.

I rise in strong support of this conference report. Today, abuse of our security laws is stifling our Nation's fastest growing companies. Whenever a company stock changes significantly in value, these companies face lawsuits from packs of so-called professional plaintiffs. These professional plaintiffs are individuals who have suffered no injury and hold no stock in the companies they use. Yet, in order to avoid the high legal costs of defending themselves, companies often settle the extortion demands of these professional thieves.

High-technology companies, the companies of tomorrow, are hit hardest and most frequently. Why? Because these companies often undergo dramatic change, but have few resources with which to defend themselves. As a result, we, all of us, lose. New products that could benefit my colleagues and all of the American people and the people throughout the world are never developed. Good paying jobs that could have been created never materialize.

Mr. Speaker, if we fail to act, we doom our children to lower living standards, lower than we enjoy today. This bill will protect companies from being sued on forward-looking projections. Under this bill, companies can issue cautionary statements confirming what my colleagues and I already know, that the projections are estimates and not facts certain.

No one can predict the future with a 100-percent accuracy. It is unfair to expect companies to do so. Yet, that is what the professional plaintiffs demand in exchange for retraining from their corporate extortion.

Further, this bill will ensure that no wrongdoers escape punishment. Any party intentionally causing injury will be liable for the full harm they cause, no less. And that is only fair. Under this bill everyone wins. Investors, whether individuals or municipalities, will benefit from higher returns on investment and lower risks.

American companies, unhindered by expensive litigation, will build new competitive advantages over their foreign rivals, and that is what we are looking for. New job opportunities will come up all across America. As chairman of the International Economic Policy and Trade Subcommittee, I know that passage of this conference report will go a long way toward ensuring that America will remain the world's most prosperous Nation. A vote for this conference report is a vote to help give us and our children futures of unlimited opportunity.

Mr. Speaker, let us vote for our Nation's future. Let us pass this important conference report. I thank the gentleman and my friend from California for yielding me this time.

Mr. DREIER. Mr. Speaker, I would like to inquire of my friend from Dayton if he has any remaining speakers.

Mr. HALL of Ohio. I hesitate to say that I do not have any additional speakers, but it appears that I do not, and I would yield back the balance of my time.

Before I do that, however, Mr. Speaker, I insert in the RECORD at this point the following extraneous material.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. *RULE AMENDED*.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bi-partisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	.....
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the	1D
H. Con. Res. 109	Reform.		bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	.....
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A

*Contract Bills, 67% restrictive; 33% open. **All legislation, 54% restrictive; 46% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. DREIER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Newport Beach, CA [Mr. COX] to close on our side.

Mr. COX of California. Mr. Speaker, I thank the gentleman from California for yielding.

It has been said that a lawyer is someone who defends his client's interest and takes the principal. It is a cruel joke; it is an old joke. In fact, the best I can tell, it is at least a century old.

There has always been a conflict of interest between lawyers representing themselves and lawyers representing their clients. What we are seeking to do here is to protect investors so that they are in charge of these kinds of lawsuits. It is very important for us to know what exactly it is we are doing here today. There has been a lot of rhetoric. What we are doing are the following things:

We are outlawing professional plaintiffs. We heard testimony that one guy, who was described by a judge as truly the unluckiest investor in the world, was a plaintiff in 300 of these lawsuits. That will not happen anymore.

We have outlawed attorney conflicts of interest. So if the lawyers own the shares, the judge will scrutinize that and keep them out of the case if it is a conflict of interest.

We are mandating full disclosure to the investors, to the plaintiffs, of any proposed settlements, including what will be the lawyer's share of the settlement and what will be theirs.

These kinds of reforms are the reason that this is such bipartisan and popular legislation. And the truth is that half the Democrats here, half the Democrats in the Senate, Republicans who sponsored the legislation, all favor this. More than two-thirds of both bodies favor this.

The economists, whom we heard quoted many times as an opponent of this bill, are in favor of this bill. They have editorialized in their most recent magazine as follows: More than 650 class action strike suits have been filed in the past 4 years alone, including ones against each of the 10 biggest firms in Silicon Valley. There is nothing wrong with investors who use the courts to protect their rights, but a growing number of these suits are being brought by those who are victims not of corporate misinformation, but of their lawyer's greed.

The Washington Post has editorialized in favor of this legislation. It is sound, it is good, it is bipartisan. It is high time investors got the kind of protection that this legislation affords. Fraud, through the device of a lawsuit; extortion, through the device of abuse of our securities' laws, hopefully will be no more after we pass this very popular bipartisan bill.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to indicate, as has been said, the general chairman of the Democratic National Committee, our colleague, Senator CHRIS DODD, is one of the prime authors of this legislation, along with many other Democrats who truly make this bipartisan and bicameral. I urge an ''aye'' vote on the rule and an ''aye'' vote on the conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. RADANOVICH). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 97, answered ''present'' 1, not voting 16, as follows:

[Roll No. 838]

YEAS—318

Allard	Browder	Condit
Archer	Brown (CA)	Cooley
Armey	Brown (FL)	Cox
Bachus	Brown (OH)	Crane
Baesler	Brownback	Crapo
Baker (CA)	Bryant (TN)	Cremeans
Baker (LA)	Bunn	Cubin
Baldacci	Bunning	Cunningham
Ballenger	Burr	Danner
Barcia	Burton	Davis
Barrett (NE)	Buyer	de la Garza
Bartlett	Callahan	Deal
Barton	Calvert	DeLauro
Bass	Camp	DeLay
Bateman	Canady	Deutsch
Bentsen	Cardin	Diaz-Balart
Bereuter	Castle	Dickey
Bevill	Chabot	Dooley
Bilbray	Chambliss	Doolittle
Bilirakis	Chenoweth	Dornan
Bishop	Christensen	Doyle
Bliley	Chrysler	Dreier
Blute	Clement	Duncan
Boehlert	Clinger	Dunn
Boehner	Coble	Durbin
Bonilla	Coburn	Ehlers
Boucher	Collins (GA)	Ehrlich
Brewster	Combest	Emerson
English	King	Radanovich
Ensign	Kingston	Ramstad
Eshoo	Kleczka	Reed
Everett	Klug	Regula
Farr	Knollenberg	Richardson
Fawell	Kolbe	Riggs
Fazio	LaFalce	Roberts
Fields (TX)	LaHood	Roemer
Flanagan	Lantos	Rogers
Foley	Largent	Rohrabacher
Forbes	Latham	Rose
Fox	LaTourette	Roth
Frank (MA)	Lazio	Roukema
Franks (CT)	Leach	Royce
Franks (NJ)	Levin	Rush
Frelinghuysen	Lewis (CA)	Sabo
Frisa	Lewis (KY)	Salmon
Frost	Lightfoot	Sanford
Funderburk	Lincoln	Saxton
Furse	Linder	Scarborough
Gallegly	Livingston	Schaefer
Ganske	LoBiondo	Schiff
Gejdenson	Lofgren	Schumer
Gekas	Longley	Seastrand
Geren	Lucas	Sensenbrenner
Gibbons	Maloney	Shadegg
Gilchrest	Manton	Shaw
Gillmor	Manzullo	Shays
Gilman	Martini	Shuster
Gonzalez	Matsui	Sisisky
Goodlatte	McCarthy	Skaggs
Goodling	McCollum	Skeen
Gordon	McCrery	Skelton
Goss	McDade	Slaughter
Graham	McHugh	Smith (MI)
Green	McInnis	Smith (NJ)
Greenwood	McIntosh	Smith (TX)
Gunderson	McKeon	Smith (WA)
Gutierrez	McNulty	Solomon
Gutknecht	Meehan	Souder
Hall (OH)	Metcalf	Spence
Hall (TX)	Meyers	Spratt
Hamilton	Mica	Stearns
Hancock	Miller (FL)	Stenholm
Hansen	Minge	Stockman
Harman	Molinari	Stump
Hastert	Montgomery	Talent
Hastings (WA)	Moorhead	Tate
Hayes	Moran	Tauzin
Hayworth	Morella	Taylor (NC)
Hefley	Murtha	Thomas
Hefner	Myers	Thornberry
Heineman	Myrick	Thornton
Herger	Neal	Tiahrt
Hilleary	Nethercutt	Torkildsen
Hobson	Neumann	Towns
Hoekstra	Ney	Traficant
Hoke	Norwood	Upton
Holden	Nussle	Vento
Horn	Ortiz	Visclosky
Hostettler	Orton	Vucanovich
Houghton	Oxley	Walker
Hoyer	Packard	Walsh
Hutchinson	Pallone	Wamp
Hyde	Parker	Ward
Inglis	Paxon	Watts (OK)
Istook	Payne (VA)	Weldon (FL)
Jackson-Lee	Pelosi	Weldon (PA)
Jacobs	Peterson (MN)	Weller
Johnson (CT)	Petri	Whitfield
Johnson, Sam	Pickett	Wicker
Jones	Pombo	Wolf
Kasich	Porter	Wyden
Kelly	Portman	Wynn
Kennedy (MA)	Poshard	Young (AK)
Kennedy (RI)	Pryce	Young (FL)
Kennelly	Quillen	Zeliff
Kim	Quinn	Zimmer

NAYS—97

Abercrombie	Andrews	Becerra
Ackerman	Barrett (WI)	Beilenson

Berman	Jefferson	Peterson (FL)
Bonior	Johnson (SD)	Pomeroy
Borski	Johnson, E. B.	Rahall
Bryant (TX)	Johnston	Rangel
Clay	Kanjorski	Rivers
Clayton	Kaptur	Roybal-Allard
Clyburn	Kildee	Sanders
Coleman	Klink	Sawyer
Collins (IL)	Lewis (GA)	Schroeder
Collins (MI)	Lipinski	Scott
Conyers	Luther	Serrano
Costello	Markey	Stark
Coyne	Martinez	Stokes
Cramer	Mascara	Studds
Dellums	McDermott	Stupak
Dicks	McHale	Tanner
Dingell	McKinney	Taylor (MS)
Dixon	Meek	Thompson
Doggett	Menendez	Thurman
Edwards	Mfume	Torres
Engel	Miller (CA)	Torricelli
Evans	Mink	Velazquez
Fattah	Moakley	Waters
Fields (LA)	Mollohan	Watt (NC)
Filner	Nadler	Waxman
Flake	Oberstar	Williams
Foglietta	Obey	Wise
Ford	Olver	Woolsey
Gephardt	Owens	Yates
Hastings (FL)	Pastor	
Hilliard	Payne (NJ)	

ANSWERED ''PRESENT''—1

Lowey

NOT VOTING—16

Barr	Hinchey	Volkmer
Bono	Hunter	Waldholtz
Chapman	Laughlin	White
DeFazio	Ros-Lehtinen	Wilson
Ewing	Tejeda	
Fowler	Tucker	

□ 1147

The Clerk announced the following pair:

On this vote:

Mr. Bono for, with Mr. DeFazio against.

Mrs. MEEK of Florida, Mr. DIXON, and Ms. ROYBAL-ALLARD changed their vote from ''yea'' to ''nay.''

Mr. KENNEDY of Massachusetts changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LAYING ON THE TABLE HOUSE RESOLUTION 260, WAIVING PROVISIONS OF CLAUSE 4(b) OF RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. DREIER. Mr. Speaker, I ask unanimous consent that House Resolution 260, waiving the provisions of clause 4(b) of House rule XI against the consideration of certain resolutions reported from the Rules Committee, be laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 1058, PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

Mr. BLILEY. Mr. Speaker, pursuant to House Resolution 290, I call up the conference report on the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, November 28, 1995, at page H13692.)

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield myself 3 minutes.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I rise today in strong support of the conference report on H.R. 1058, the Private Securities Litigation Reform Act of 1995.

This is extremely important legislation for investors and for our economy. It is designed to curb frivolous and abusive securities litigation. This kind of litigation exacts a tax on this country's most productive and competitive companies and their shareholders.

Job-creating, wealth-producing companies that have done nothing wrong, too often find themselves subject to class action lawsuits whenever their stock price drops. They are forced to pay extortionate settlements, because the costs of defending these lawsuits are prohibitive. And, when companies are forced to settle, their shareholders, ultimately, pay the costs. I am pleased that when this legislation was considered by the House earlier this year, majorities of both parties, Republicans and Democrats, supported it.

This legislation puts control of class action lawsuits back in the hands of the real shareholders, where it belongs. Just as important, it gives judges the tools they need to dismiss frivolous cases before they turn into lengthy and costly fishing expeditions. I want to underscore this point. This legislation puts strong and effective tools in the hands of judges, and we expect them to use these tools to dismiss frivolous cases and to sanction those who bring them.

Critics of this legislation think we should preserve the status quo—or simply thinker with the present system. But we cannot allow the current system to continue, when those who benefit most from it are professional plaintiffs and lawyers. The cost of securities strike suits, to our economy in the form of lost jobs, to our investors in the form of diminished returns, and to our companies in the form of diminished competitiveness are too great.

Let me explain how the conference report would address the flaws in the current system.

First, it limits the kind of abusive class action lawsuits that are driven by entrepreneurial lawyers and their stable of professional plaintiffs. It permits courts to select as lead plaintiff the shareholder most capable of representing the class—not just the plaintiff who happens to file first because some law firm already has a compliant on its word processing machine ready to go. The legislation also requires full disclosure of settlement terms to investors. We no longer will permit lawyers to hide the facts from their real clients, something they have been doing for years.

These are hardly radical reforms. But, they will ensure that real investors with real grievances are the ones driving the litigation, not those who only interest is in winning their share of attorney fees.

Second, the conference report discourages frivolous lawsuits by imposing costs on those who initiate them. To accomplish this, it requires a court to impose sanctions on a party if the compliant, or any motion, constitutes a violation of rule 11(b) of the Federal Rules of Civil Procedure; in other words, if the complaint or a motion was filed to harass or cause unnecessary delays or costs. Again, this is hardly radical, but it is only fair. Those who abuse the system to inflict unnecessary costs on others should pay a price.

The conference report seeks to encourage early dismissal of frivolous lawsuits and limit the costs of discovery. It requires lawyers who file a complaint to ''plead with particularity'' the facts that would support a charge of fraud. If you sue someone, you should be able to explain what they did, and why it was a fraud. And it prevents lawyers from launching ''fishing-expedition'' discovery while a motion to dismiss is pending.

The conference report provides a cap on damages. We all have seen situations where an earnings surprising sends the price of a company's stock into a tailspin. The problem in the current system is that damages often are measured when the stock drops to its lowest point, even though it quickly rebounds and may even be higher within days, weeks, or months. This bill prevents a temporary drop in price from yielding huge awards for lawyers and professional plaintiffs.

The conference report addresses the unfairness of joint and several liability, which now allows a plaintiff to seek 100 percent of his damages from a defendant whose actions may deserve only 1 percent of the blame. The legislation requires every defendant to pay his or her fair share of the damages, based on a finding by a judge or jury. But, except in special circumstances, a defendant cannot be held liable for 100 percent of the damages unless a plaintiff proves the defendant acted with actual knowledge. Small investors, however, will be able to recover 100 percent of their damages even from those defendants whose participation was relatively minor.

The conference report is careful not to change standards of liability under the securities laws. Unlike the bill passed by the House, the conference report does not codify recklessness as a standard of liability under the securities laws. That question is left to the courts.

The conference report encourages disclosure of forward-looking information by establishing a real safe harbor for companies and others who disclose this information. Forward-looking information is extremely important to investors, but companies are afraid to disclose it, because they may face a lawsuit if they fail to predict the future with total accuracy. The conference report prevents companies from being sued for forward-looking statements when they make it clear that they are talking about the future and accompany their statements with cautionary language. Statements that meet this statutory test should not be the basis of a lawsuit if intervening events make them inaccurate; the conference report makes it clear that the legislation imposes no duty to update projections.

The conference report also clarifies that a plaintiff will have to prove a defendant had actual knowledge of the falsity of a forward-looking statement before there will be liability.

The conference report also amends the Racketeer Influenced and Corrupt Organization Act to prevent the unnecessary and unfair threat of RICO charges when a case involves conduct that should be prosecuted, instead, under the Federal securities laws.

The legislation also gives the SEC new authority to bring aiding and abetting cases for knowing fraud under section 10(b) of the Exchange Act, and it imposes responsibilities on auditors to detect and disclose illegal activity they may find during an audit.

It is clear that the conference report will take major steps toward ending the kind of abusive and frivolous private securities litigation that hurts the economy and burdens individual investors. But, as I noted earlier, these hardly are radical reform.

Many of the criticisms that have been leveled at the bill stem, not from what is in the legislation, but from critics' desire to use it to change current law. For example, opponents criticize it for failing to provide a private cause of action for aiding and abetting violations of section 10(b) of the Exchange Act—but this is something the Supreme Court of the United States says the original drafters of the Exchange Act did not intend to include. It is criticized because it does not provide a longer statute of limitations for actions under section 10(b)—again, something the Supreme Court says the original drafters of the Exchange Act did not intend to include.

Mr. Speaker, this legislation may not have everything that every Member wants to see. It also may not end all unfairness and impropriety in private securities litigation. But it offers a realistic opportunity to improve current law, to help the economy, and to protect individual investors. I submit that it is rare that one piece of legislation does this much. I urge my colleagues to vote to pass this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, until a Supreme Court decision 18 months ago, aiding and abetting liability was the primary method through which professionals who assist securities fraud to succeed, lawyers, accountants and investment bankers, who were deemed to be responsible in defrauding investors, were made liable by aiding and abetting prosecution.

Even the Supreme Court majority recognized the need for restoration of aiding and abetting liability. In the words of Justice Kennedy, to be sure, aiding and abetting a wrongdoer ought to be actionable in certain instances. The issue, however, is not whether imposing private liability on aiders and abettors is good policy but whether aiding and abetting liability is covered by the statute.

This statute that we are debating here today has no aiding and abetting liability for those who have participated in the construction of fraud perpetrated against innocent investors.

The SEC argued, in the Supreme Court, in favor of aiding and abetting liability. Since the court decision, the SEC has urged Congress to restore aiding and abetting liability. Chairman Levitt testified that of 400 pending SEC enforcement cases, 80 to 85 rely on aiding and abetting theories of liability. Not one shred of evidence was presented before the House or the Senate that called into question the legitimacy of these SEC cases. Yet this bill would jeopardize many of them, perhaps even all of them, because it fails to codify that the SEC has authority.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. MARKEY. Mr. Speaker, I do not want to call into question the Chair, but I only read three paragraphs.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Markey] may proceed.

Mr. MARKEY. Mr. Speaker, the bill would jeopardize many of these cases, perhaps all of them, because it fails to codify.

Now, a report in last week's National Law Journal highlighted a number of extraordinary statistics from fraud cases brought by the Government as a result of the S&L debacle. Four thousand directors or CEO's of failed S&L's or the professionals who work for them were sent to prison as a result of criminal frauds they perpetrated or assisted.

In addition, 1,500 defendants were convicted but were not sent to prison. That is one of the most extraordinary and most disturbing statistics I have ever heard. Four thousand senior thrift executives and their key financial advisors were convicted and imprisoned for financial fraud and crimes.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Speaker, in recent years, U.S. companies, particularly high technology companies, have become the target of speculative, abusive securities litigation which enriches lawyers at the expense of shareholders and the economy.

Mr. Speaker, as the Subcommittee on Telecommunications and Finance learned over the past year, abusive securities lawsuits are brought by a relatively small number of lawyers specializing in initiating this type of litigation. In many cases, the plaintiffs are investors who own only a few shares of the defendant corporation. And the corporations are frequently high technology companies whose share price volatility precipitates lawsuits. The plaintiffs do not need to allege any specific fraud.

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Indeed, many of these suits are brought only because the market price on the securities dropped. The plaintiffs' attorneys name as individual defendants the officers and directors of the corporation and proceed to engulf management in a time-consuming and costly fishing expedition for the alleged fraud.

When you ask the question, what drives these lawsuits, the answer is clear. Even when a company committed no fraud, indeed no negligence, there is still the remote possibility of huge jury verdicts, not to mention the cost of litigation. In the face of this exposure, defendant companies inevitably settle these suits rather than go to trial. I believe lawyers understand the coercive psychology of the system and many of these suits are filed without just cause and solely for the purpose of extracting judgments and settlements.

Mr. Speaker, there are approximately 300 securities lawsuits filed each year. Nearly 93 percent of those suits settle for an average of $8.6 million apiece. That makes this a $2.4 billion industry, with a third of the amount plus expenses going to the lawyers. This is not a small cottage industry. As a result of the perverse economics driving these cases, meritless cases settle for far too much and meritorious cases settle for far too little.

Mr. Speaker, one of the most compelling statistics for reform I believe comes from Silicon Valley, CA, where one out of every two companies have been the subject of a 10(b)(5) securities class action. Every single one of the top 10 companies in Silicon Valley, and

these are world class multinational competitors like Hewlett Packard, Intel, Sun Microsystems, and Apple Computer, have been accused of violating the antifraud provisions of the securities laws. Companies in Texas, like Compaq Computer and Texas Instruments, are equally as vulnerable to these kinds of suits.

Mr. Speaker, the current securities litigation system is seriously impacting the competitiveness and productivity of America's technology companies. This is also affecting our ability to create jobs.

In summary, I believe we have demonstrated that the current securities litigation system promotes meritless litigation, shortchanges investors, and costs jobs.

Mr. Speaker, I want to commend the gentleman from Virginia [Mr. BLILEY], our chairman, for moving this forward in an expeditious manner. I would also be remiss if I did not congratulate the gentleman from California [Mr. COX], and the gentleman from Louisiana [Mr. TAUZIN] for the hours that they have put in, not only in this session but in previous sessions, in advancing what I think is a very important and substantial reform in our legal system.

The SPEAKER pro tempore. The Chair yields the gentleman from Massachusetts [Mr. MARKEY] an additional 1½ minutes, due to a little conflict up here.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, this bill is a scandalous piece of legislation. It was conceived in the most scandalous and outrageous abuse of the legislative and conference process that I have ever seen in this institution. It sanctifies the most outrageous kind of fraud and misbehavior imaginable. It is a bill that would be beloved by Mike Milken, Ivan Boesky, and Charles Keating. And, by the great scoundrels of the past like Sam Insul and the greatest of all, Mr. Ponzi.

It will permit the skinning of widows and orphans. It will permit raids on pension funds, on the funds at colleges, universities, and churches, and on the moneys held and managed by local governments and States for their pensions and other citizens. It undoes over 60 years of law that has enabled investors to take action to protect themselves against the worst kinds of misbehavior.

How does it do this, DINGELL, you may ask. Well, I am going to tell you.

The safe-harbor provision provides civil immunity in private enforcement actions for any ''untrue—forward-looking—statement of material fact''—written or oral—so long as that predictive statement is ''accompanied by meaningful cautionary statements.'' Furthermore, the provision expressly eliminates the duty of corporate insiders to update their predictions if subsequent events make them false.

In a word, this conference report therefore immunizes deliberate fraud. And, in a very sad day indeed, on November 15, 1995, the SEC—reportedly under threats to have its budget cut—wrote a letter to the Senate saying not that SEC endorsed the provision, but only indicating withdrawal of opposition this provision, representing the first time in that agency's history, that I am aware of, that it has supported a national policy that immunizes deliberate fraud from civil liability.

The conference report places highly burdensome pleading requirements on plaintiffs in securities cases, and deletes a key amendment proposed by Senator SPECTER and adopted by the Senate, which clarified that the heightened pleading standard could be satisfied by evidence of a defendant's motive and opportunity to commit securities fraud. The conference report also contains an automatic discovery stay.

The bill's elevated pleading standard for scienter—i.e., the plaintiff must ''state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind''—will require average investors without discovery to know and state facts in pleadings that are only knowable after discovery.

The conference report does not restore aiding and abetting liability in private suits nor does it provide a reasonable extension of the statute of limitations.

The conference report imposes a one-sided loser pays rule on plaintiffs which would require plaintiffs to pay the entire legal fees and expenses of corporate defendants, while a defendant who files spurious motions and pleadings would have to pay only reasonable attorney fees and other expenses incurred as a direct result of the violation.

The conference report establishes an unconscionable discretionary bond requirement to cover the payment of fees and expenses, with no limitations on the amount of the bond. Asking a person who may have already lost their life savings to put up as collateral their house or money set aside for the college education of their children in a meritorious case is just plain wrong.

This is a blue print for fraud: company executives can issue false predictive statements, promising investors anything they want, as along as they dress them up with cautionary statements. Investors can sue in the case of egregious, deliberate fraud, but they would have to meet the new pleading standards for intent, and the bill does not let them engage in discovery to get the facts. Moreover, if the fraudsters can hide the facts for 36 months, they are home free. And you may get stuck with the company's entire legal bill.

Ooops! I almost forgot to tell you about the holy water that we sprinkled on accountants, lawyers, and investment bankers. The bill's failure to restore aiding and abetting liability, coupled with the bill's proportionate liability provision, means that the company can go bankrupt and the executives can hide their ill gotten gains in an offshore bank account and investors are out of luck.

Accountants, lawyers, and investment bankers can look the other way, and engage in reckless behavior that assists the fraud, and not have to pay.

In the Keating case, for example, of some $240 million that was ultimately recovered by some 23,000 innocent investors, about 70 percent, or $168 million, was recovered against unscrupulous accountants, lawyers and brokers who were accessories to the fraud. Now, these rascals would be immunized under the law as a result of our failure to take this opportunity to restore aiding and abetting liability. These investors, totally devoid of any culpability, absolutely innocent, many of them elderly retirees, if this were the law at the time they brought their action, would have recovered some $16 million as opposed to the $240 million that they actually lost and recovered.

This is an outrageous piece of legislation. It has been vigorously and strongly opposed by the well-respected Money magazine in four consecutive issues and by local and national newspaper editorials across the country. It is also opposed by the U.S. Conference of Mayors and the National League of Cities, the Fraternal Order of Police, the International Association of Firefighters, State Attorneys General, the Association of the Bar of the City of New York, the Consumer Federation of America, and the National Council of Individual Investors. I am including representative samples of their commentaries at the conclusion of my remarks for the RECORD.

In closing, I say shame on the Congress for considering it. I say, greater shame upon us if we pass it and shame on anybody who has anything to do with it. If this abomination passes the Congress, I strongly urge President Clinton to veto this bill and send it back with instructions for us to craft balanced, bipartisan legislation that ends frivolous lawsuits without sanctifying fraud and undermining the legal rights of wronged investors.

I include for the RECORD the following material.

[From the Miami Herald, Nov. 14, 1995]

LIARS' BILL OF RIGHTS?

While most of the country is paying attention to the feud over the federal budget, a sinister piece of legislation is making its way through Congress unnoticed. This bill lets companies report false information to investors. That's right, it essentially licenses fraud. It has passed both houses in slightly different forms. A compromise bill will be written soon. If it passes, President Clinton ought to slay it in its tracks.

This bill is a story of good intentions. Some companies have been plagued by frivolous lawsuits from investors who aren't happy with the company's performance. The

investor allege, in essence, that the company had forecast good results and then didn't deliver. That, say the plaintiffs, constitutes fraud.

Well, often it doesn't. Investing has risks, including market downturns. When investors sue over mere bad luck, they cost companies money, clog courts, and drain profits from other investors.

Trouble is, by trying to stop this abuse, Congress mistook a simple answer for the right answer. Its solution, in plain terms, was to declare virtually all promises by all companies to be safe from legal challenge. Under this ''remedy,'' company executives now can promise investors anything they like, with not so much as a nod to reality.

They can't legally lie about the past, but if their claims are ''forward-looking,'' they can promise you the moon to get you to invest, and no one can sue them later for being misleading.

Well, almost no one. The bill would allow legal action in the case of egregious, deliberate fraud, but you'd have to prove that it was intentional. And you'd have just three years to discover the fraud and furnish your proof.

It's rare enough to prove outright intent under the best circumstances, but under this bill, if executives can stiff-arm you for just 36 months (not a big challenge), they'd be home free. And then—in another hair-raising provision of the bill—you'd be stuck for the company's entire legal bill. Facing such a risk, no small investor, no matter how badly cheated, would ever dare sue.

This bill evidently struck many members of Congress as a simple answer to a nagging problem. It's nothing of the kind. The problem is real enough, but its solution isn't simple. And it certainly doesn't reside in a law authorizing phony statements to investors.

President Clinton should veto this blunder. Then, when the fight over the budget is over, Congress can take time to think up a more rational solution to the problem.

[From the Houston Chronicle, Nov. 17, 1995]

INSECURITIES

In testimony on a bill to curtail frivolous securities fraud lawsuits, Sen. Robert Bennett, R-Utah, recalled that his father once, as a director of a mutual fund board, had been sued for looting assets, as directors had given themselves a raise (in tandem with increased profits). The suit was settled for $100,000, as had been the case each year the attorney had filed the identical lawsuit. The meritless suit would have been too costly to litigate, the senior Bennett was told.

Those familiar with the world of securities litigation know these scenarios are not uncommon. Such lawsuits are infuriating, harmful to business and investors alike, and they deserve congressional attention to stamp them out.

Charged with enacting laws to douse brush fires in the tort system, Congress instead wants to burn the system to the ground.

Earlier this year, lawmakers passed bills in the House and Senate that threatened to cripple the ability of even legitimate plaintiffs to recoup money swindled by unscrupulous corporate executives, lawyers and accountants. More recently, in meetings to which bill opponents said they were not invited, members of Congress and lobbyists worked out a compromise that is as deadly to investor rights as the original bills.

The compromise guarantees small investors, defined as having a net worth less than $200,000, full recovery if they lose more than 10 percent of their assets in a securities fraud. But why should a person who likely saved over most of his or her life have to lose so much money before being entitled to full compensation in court? And, while $200,000 may sound generous, many Americans in many areas of the country would surpass that amount based solely on their home value.

The compromise allows the Securities and Exchange Commission to sanction lawyers and accountants who knew of fraud and did nothing to stop it, but it does not allow defrauded investors to sue them. That is inadequate redress and promises to shift the burden of policing such cases entirely onto the government.

Proponents brag that the compromise offers no lawsuit protection to companies whose ''forward-looking statements'' contain knowingly false information and do not contain detailed warnings. What comfort can be gained from such statements if inclusion of a ''cautionary statement'' nullifies investor protections?

Consumer groups oppose the compromise for the burdens it will place on small investors. But attorneys general of various states and associations of public finance officers also are in opposition because they fear the legislation would expose public funds, such as those invested by counties and school districts, to greater fraud risks.

Congress certainly must act against ''professional plaintiffs'' and ''entrepreneurial attorneys'' who file baseless securities fraud claims in pursuit of blackmailed settlements. But lawmakers must work harder than they have to cap lawsuit abuse without putting the life savings of small investors at risk.

[From the San Francisco Chronicle, Nov. 27, 1995]

OPENING THE DOOR TO FRAUD

If a House-Senate conference committee meeting tomorrow does not result in significant changes to legislation regarding investment fraud lawsuits, President Clinton should quickly veto the bill.

Compromise has softened some of the anti-consumer aspects of the legislation, which has the stated goal of eliminating frivolous class-action securities fraud lawsuits. But despite the worthwhile aim, the provisions of a draft conference report on HR 1058 and S 240 go far beyond curbing trivial court actions and instead would wipe out important protections against hustlers of fraudulent securities.

In a letter asking Clinton to veto the bill, San Francisco's chief administrative officer, Bill Lee, noted that the legislation would ''erode investor protections in a number of ways: it fails to restore the liability of aiders and abettors of fraud for their actions; it limits many wrongdoers from providing full compensation to innocent fraud victims, by eroding joint and several liability; it could force fraud victims to pay the full legal fees of large corporate defendants if the lose; it provides a blanket shield from liability for companies that make knowingly fraudulent predictions about an investment's performance and risks; and it would preserve a short, three-year statute of limitations for bringing fraud actions, even if fraud is not discovered until after that time.''

Securities fraud lawsuits are the primary means for individuals, local governments and other investors to recover losses from investment fraud—whether that fraud is related to money invested in stocks, bonds, mutual funds, individuals retirement accounts, pensions or employee benefit plans.

As the draft report stands, investors would be the losers. And their hopes of receiving convictions in suits similar to those against such well-known con men as Michael Milken and Ivan Boesky would be severely hampered.

In the name of the little guy, Clinton should not let that happen.

[From the New York Times, Nov. 30, 1995]

OVERDRAWN SECURITIES REFORM

The securities bill that Congress is about to pass addresses a nagging problem, frivolous lawsuits by investors against corporations, but in such cavalier fashion that it may end up sheltering some forms of fraud against investors. President Clinton should veto the bill and demand at least two fixes to protect truly defrauded investors.

The bill seeks with good reason to protect corporate officials who issue honest but unintentionally optimistic predictions of corporate profitability. In some past cases, opportunistic shareholders have waited for a company's stock price to fall, then sued on the grounds that their money-losing investments were based on fraudulent misrepresentations of the company's financial prospects. Their game was to use these ''strike'' suits to threaten companies with explosively expensive litigation in the cynical attempt to win lucrative settlements.

Such suits are a real, if infrequent, problem that can discourage responsible management from issuing information that investors ought to know. The bill would stymie these suits in part by immunizing predictions of corporate profitability that are accompanied by descriptions of important factors—like pending government regulatory action—that could cause financial predictions to provide false. But the language is ambiguous, leading critics to charge that it would protect corporate officials who knowingly issue false information. The President should ask Congress for clarification.

Some provisions of the bill would protect investors by, for example, requiring accountants to report suspected fraud. But other provisions threaten to shut off valid suits. The bill would prevent private litigants from going after lawyers and accounts for inattention that allows corporate fraud. Worse, the bill limits the authority of the Securities and Exchange Commission to sue accountants and others for aiding fraud. The bill would also provide a short statute of limitation that could easily run out before investors discover they have been victimized.

Mr. Clinton should demand that Congress extend the statute of limitations so that investors will have time to file suit after they discover fraud. He should also demand that the bill restore the S.E.C.'s full authority to sue accounts who contribute to corporate fraud. So far, Mr. Clinton has been curiously restrained. A well-targeted veto might force this bill back on the right track.

[From the Bond Buyer, Dec. 4, 1995]

SECURITIES LITIGATION REFORM: A MATTER OF PRINCIPLE

(By Craig T. Ferris)

WASHINGTON.—There are moments when an issue should be decided solely on principle, not politics.

One of those moments will occur late this week when the House and Senate are expected to send President Clinton the securities litigation reform legislation that a conference committee finalized last week.

When the bill arrives on his desk, Clinton should veto the measure on principle because it is bad legislation that could undermine investor confidence in the municipal market.

Despite a few changes from the original House and Senate bills, the final measure is still what state and local groups have termed ''a bad bill that has resulted from bad House and Senate bills.''

While some backers of the measure say it is needed to curb frivolous securities fraud

lawsuits, state and local representatives, plus investor groups, contend that it will hurt investors and prevent individuals, local governments, and pension plans from filing legitimate securities fraud lawsuits.

The bill is substantially flawed, particularly because it does not extend the statute of limitations for securities fraud actions and does not restore the ability of investors to sue aiders and abettors of securities fraud.

Sen. Paul Sarbanes, D-Md., raised and excellent point last Tuesday night when he told conferees that the final bill does not do enough to protect local governments that invest the money of taxpayers and retirees in securities.

''As any reader of the newspaper knows, local governments are often victims of unscrupulous brokers. These government officials want meaningful remedies if they are defrauded,'' Sarbanes said.

He also said 11 state attorneys general oppose the measure because they argue it would ''curtail our efforts to fight securities fraud and to recover damages for our citizens if any of our state or local funds suffer losses due to fraud. In a letter, the attorneys general told Sarbanes the legislation ''is unwise public policy in light of rising securities fraud and substantial losses suffered by states and public institutions from high-risk derivatives investments.''

These are all excellent reasons why Clinton should veto the measure. Unfortunately, politics may overshadow principle.

Clinton and the Securities and Exchange Commission are under pressure to support the measure—both from House and Senate Republicans who will have a strong say in the funding levels for the SEC and from Senate Republicans who are considering whether to confirm Clinton's two pending nominees for seats on the SEC.

Those pressures appear to be major reasons why the SEC has done little to push the conference committee to include greater protection for investors, particularly state and local governments.

But even if Clinton ignores politics and vetoes the bill, it is likely to become law anyway.

The original House and Senate bill were approved by veto-proof 329-to-99 and 70-to-29 votes, and there is every reason to believe that the final version of the legislation will be approved by both chambers by similar margins.

Despite those drawbacks, the president should stand on principle and veto the measure. It is a bad bill and it should not become law.

[From Money, September 1995]

CONGRESS AIMS AT LAWYERS AND ENDS UP SHOOTING SMALL INVESTORS IN THE BACK

[By Frank Lalli, managing editor)

Imagine a law that makes it much easier for crooks to swindle investors and far more difficult for the victims to sue to get their money back. A law so extreme that it would:

Allow executives to deliberately lie about their firm's prospects.

Prohibit investors from suing the hired guns who assist a fraudulent company, the so-called aiders and abettors, including the accountants, brokers, lawyers and bankers.

Ratify a court ruling that throws out any suit that isn't filed within three years after the fraud took place, even if no one discovers the crime until after that deadline.

And potentially force investors and their lawyers who lose a case to pay the winner's entire legal fees, if the judge later rules that the suit was not justified.

Sounds too radical to be real, doesn't it? Yet legislation that would do all this and more has passed both the House and Senate by overwhelming margins (325 to 99 and 69 to 30). It is now headed for a conference committee where the relatively minor conflicts are expected to be ironed out.

The more responsible members of Congress who backed the effort were looking for a way to discourage frivolous securities suits. But several powerful financial lobbyists and their pals ended up putting small investors in the crosshairs instead. At a time when massive securities fraud has become one of this country's growth industries, this law would cheat victims out of whatever chance they may have of getting their money back. For instance, had this law been on the books thousands of fraud victims might not have collected anything, rather than the billions they rightfully recovered by suing the operators behind such notorious scams as Charles Keating's $288 million savings and loan swindle, the $460 million Towers Financial fraud and Prudential Securities more than $1.3 billion limited partnership hustle.

Take Bill Ayers, 53, a Vietnam War vet who runs a prosperous engineering consulting firm in Crystal City, Va. In the mid-'80s, he plowed more than $1 million into bonds issued by First Humanics, before realizing that the nursing-home chain was built on fraud. He wasn't alone. In all, at least 4,000 people invested more than $80 million in 21 separate bond offers. Despite all that money, Humanics declared bankruptcy in 1989, and the company head, Leo (''Lee'') Sutliffe surfaced on his Florida yacht with the nursing homes' former interior decorator.

How did a sophisticated guy like Ayers get fooled? Simple, really. He relied on the company projections, which turned out to be phony, and on bond feasibility reports by Touche Ross (now Deloitte & Touche), which were shoddy. ''In reality,'' says Ayers, ''the accounting system was nonexistent.'' For example, in one case, Touche Ross counted closet space as patient rooms. Then to get the profit-per-room projections to actually work, at least one home slashed its daily food budget to less than $3 per patient.

When Ayers finally caught on five years later, he led a successful class-action lawsuit that ultimately was settled for $45 million from the accountants, lawyers and bank trustees. Sutliffe, meanwhile, got 15 months in federal prison for mail fraud and was fined $1 million.

''But I'd be out of luck under this new law,'' says Ayers. Sutliffe's lies about the chain's profitability and the bonds' 10 percent to 14 percent yields would have been protected. His aiders and Abettors, principally Touche Ross, also would have been shielded. And before Ayers could have filed the class-action claim, he and his fellow plaintiffs might have been forced to post a prohibitive multimillion-dollar bond to cover the defendants' legal fees just in case the suit was later thrown out of court. What's worse, he would not have been able to sue in any event because he did not discover the fraud within the three-year time limit; in fact, the statute of limitations would have run out on nearly every Humanics' victim. As Ayers put it: ''This law will hurt the people who've already been hurt by the frauds.''

So how could such misguided legislation get this far? It's an interesting tale that illustrates how thoroughly the 104th Congress has become the Lobbyists' Congress. Ironically, one of the original ideas behind this reform legislation last year was to increase the three-year statute of limitations imposed by an ill-advised Supreme Court decision. But after the Republicans swept to power, major political contributors, led by the Big Six accounting firms that are smarting over billion-dollar judgments against them in the S&L scandals, helped draft this legislation to attack what they called an ''explosion'' of frivolous securities suits. They got their way, despite the lack of evidence of any such explosion. The true measure of indiscriminate litigiousness—the number of companies sued each year—has remained relatively level for the past 20 years. What's more, 80 percent of federal judges, who are largely Reagan and Bush appointees, think frivolous suits are a minor concern.

In the final analysis, this legislation, which Sen. Alfonse D'Amato (R-N.Y.), for one, has hailed as ''a big win for American consumers,'' would actually be a grand slam for the sleaziest elements of the financial industry at the expense of ordinary investors.

To make matters worse, this law will soon be followed by other G.O.P.-backed reforms that aim to reduce the information investors get while also curtailing securities regulation. Former Securities and Exchange Commissioner Rick Roberts, a Bush appointee, says he fears these initiatives could undermine our securities markets. ''If you look at the whole picture, Congress is taking away the right to bring an action if there's a financial fraud; it's [cutting] the level of information investors receive; and, third, [it] will try to slash the SEC budget so there are no public remedies,'' Roberts told Money's Ruth Simon. ''If I was an investor, I would be getting very queasy about plugging my money into the securities market.''

But the financial fat cats haven't sung yet. There is still time to stop these reckless efforts, starting with this litigation reform bill. President Clinton's counsel, Abner Mikva, told Money's Peter Keating: ''I think the President would not sign it, [but] we use the word 'veto' very sparingly around here.'' If you would like to join Money in urging the President to veto this litigation bill, please send us your thoughts, and we will relay them with our endorsement to the President and to key congressional lawmakers. Write to: Protect Our Rights, Money, Room 32–38, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; or send electronic mail to: letters@moneymag.com.

[From MONEY Magazine, October 1995]

LET'S STOP THIS CONGRESS FROM HELPING CROOKS CHEAT INVESTORS LIKE YOU

''I never thought I would urge Bill Clinton to do anything but retire,'' wrote Miles W. Haupt of Poulsbo, Wash. ''But please add my name to your list of people requesting a presidential veto of the small investor rip-off bill you wrote about in September.'' Haupt is just one of more than 400 MONEY readers who have joined us in urging the President to veto the litigation reform legislation steaming through Congress. This misguided law would, in fact, help white-collar criminals get away with cheating investors. As I write this on Sept. 1, we are receiving 60 letters of support a day; we've gotten a grand total of six in opposition.

The tone of the letters runs from dismay to disgust. The largest number argue that the legislation would undermine confidence in the securities markets. For example, Lester K. Smith of De Kalb, Ill. wrote: ''For many years the government has said that Americans do not save and invest enough. Now they want to take away most of the legal safeguards which allow us to save and invest without fear of being cheated.'' Anastasia R. Touzet of Flora, Miss. concluded: ''Are we going back to having to buy gold and silver coins and burying them in the backyard? Is this the America everybody wants? I don't.''

Others focused on the special interests that helped draft the bills, with Elizabeth J. Granfield of New Canaan, Conn., for one, mocking the ''FOR SALE sign on the congressional lawn.'' Bill Follek echoed that

theme on the Internet: ''Congress is trying to flat out legalize white-collar crime; that's what this Congress means by reform.''

But the angriest responses by far came from Republicans denouncing their own party for pushing these bills. ''I am a 64-year-old lifelong Republican,'' wrote John A. Cline of Virginia Beach, ''but I'm fed up with the party's assault on the public. These acts will backfire. I very well may vote for a third person or even for 'what's his name' who's in there now.'' Another lifelong Republican, 78-year-old George W. Humm of New Richmond, Ohio, who spent 45 years in the securities business and now arbitrates brokerage disputes, said he was appalled and only hoped Clinton ''has the guts to veto this monstrous bill.''

Also, Thomas Denzler of New York City pointed out that ''tort reform is not necessarily a bad idea'' and then quickly added: ''But in the area of securities, it is a stupid and venal idea. Shame on Robert Dole and Newt Gingrich.'' And Donald J. Scott of Henderson, Nev. summed up the tenor of the outcry in one sentence: ''The Contract with America is going down the drain.''

The legislation that swept through Congress this summer by overwhelming margins (325–99 and 69–30) would do four things:

Allow executives to deliberately lie about their firm's prospects.

Stop investors from suing hired guns who assist fraudulent firms, including accountants, lawyers, brokers and bankers.

Give investors just three years to sue, even if the fraud isn't discovered until after that statute of limitations expires.

Make investors who lose a case potentially liable for the winner's entire legal fees.

As we noted in last month's column, lawmakers originally intended to curb frivolous securities suits. But those good intentions got picked clean by powerful lobbyists, led by major accounting firms, who came swooping down on the bills like hungry crows. The accounting firms and their pals want to protect their wallets after being forced to pay billions in fines and settlements in recent years for their part in various scams—from the savings and loan scandals to the notorious MiniScribe swindle.

Operating through various political action committees and other corporate fund-raising efforts, the major accounting firms and their lobbyists contributed well over $3.3 million to legislators' campaigns—50% more than they gave in '92. In February, for instance, one so-called grass-roots operation sent out software that let members customize letters to selected lawmakers in ''a minute or two.'' In all, a quite sophisticated and effective campaign.

The two bills—HR 1058 and S 240—are now headed for a conference committee to iron out minor conflicts. So at this point, the only way this legislation will get stopped is if the President vetoes it when it hits his desk, perhaps as early as this month. (For more on other ill-advised securities reforms, see ''How Washington Could Tip the Scales Against Investors'' on page 122.)

You can still make your voice heard. Send your thoughts to us; we will relay them to the President and key lawmakers. Write: Protect Our Rights, Money, Room 32–38, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; send E-mail to: letters@moneymag.com.

[From Money Magazine, November 1995]

YOUR 1,000 LETTERS OF PROTEST MAY STOP THIS CONGRESS FROM JEOPARDIZING INVESTORS

You got through to the President. More than 1,000 money readers so far have written us urging President Clinton to veto this Congress' misguided securities litigation reform, as this column proposed in September and October. Bette Hammer of North Port, Fla. summed up your message: ''These bills are legalizing white-collar crime.'' As we said we would, we have been forwarding every one of your letters to the President and to key Washington lawmakers.

What will happen? Will the President veto the legislation? Will lawmakers rework it into an acceptable form? Or will the President back off to win favor with powerful business interests, particularly those in California's Silicon Valley that he may need so he can get re-elected?

There were no clear answers as we wrote this column in early October. But this much we do know: Your deep disgust with this so-called reform is having a profound impact in Washington. One source told Money Washington bureau chief Tereas Tritch: ''To say 'Money magazine' has become the shorthand phrase for all the editorial opposition to these bills.'' Furthermore, as we were preparing this column, the President sent us the letter here expressing his serious objections to the proposed law. It concludes with a promise: ''As we seek to develop thoughtful, balanced reforms to our nation's securities laws, I will keep your readers' views in mind.''

He would be wise to do that. There are a lot of votes at stake. Take M.L. and A.H. Spratley of Chatsworth, Calif. They describe themselves as ''registered Republican(s) for over 40 years who have never voted for a Democrat . . . but now have no choice but to vote for Mr. Clinton in 1996.'' That is, unless he fails to ''veto the outrageous bills.'' A politically savvy source summed up the situation this way: ''If the President vetoes this, he may win the vote of the common man, but he may lose the money and support of high-tech that he needs to win in California.''

Whatever the outcome, however, the struggle over the securities litigation reform bills, H.R. 1058 and S. 240, offers a picture-window view of how laws are being created by the lobbyists and for the lobbyists in this 104th Congress. And, more positively, it also provides a revealing peek at the potentially enormous power that ordinary people have when they find a way to amplify their voices, as they are doing on this issue.

A little background: Earlier this year, following a multimillion-dollar lobbying effort by accountant, high-tech and securities interests, the House and Senate passed differing versions of securities litigation reform, each with overwhelming bipartisan support (325 to 99, and 69 to 30). Lawmakers said they wanted to discourage frivolous securities suits. That is a fine goal. But as one moderating amendment after another was voted down, the legislation the Republican majority and the lobbyists produced went far beyond curbing meritless lawsuits to all but legalizing securities fraud. For example, though the Senate bill would have similar effects, the House bill would definitely undercut investors in at least two specific ways:)

Defrauded investors could no longer collect damages from company executives who tricked them out of their money by deliberately lying about their firms' prospects.

And if investors sued and lost, the judge could more easily force them and their lawyers to pay the winners' entire legal fees. As a consequence, a number of legitimate cases would never get filed. Sen. Arlen Specter (R-Pa.), for one, foresees ''a profoundly chilling effect on litigation brought under the securities acts.''

In addition, both bills failed to reinstate fundamental investor protections stripped away by two recent, ill-advised Supreme Court decisions:

Defrauded investors can no longer sue hired guns who assist a dishonest company, the firm's so-called aiders and abettors, including accountants, brokers, lawyers and bankers.

And, worse, investors cannot sue at all if they fail to file within three years after the fraud occurs, even when the crime is not discovered until after the deadline.

In his letter to Money, the President clearly rejects the House version, which is more extreme than the Senate alternative. ''I could not support that bill,'' he writes. But he holds out hope that the Senate bill could get improved enough for him to sign it into law. The horse-trading would normally be done by a hand-picked committee of bipartisan lawmakers from both houses. But partly because of your 1,000 letters of protest, the Republicans calling the procedural shots are stalling on convening such a House-Senate conference committee.

Key Republicans, and some nervous lobbyists, fear that House conservatives, notably Chris Cox (R-Calif.), would insist on preserving a few of the House's most extreme provisions in the committee's final compromise bill. If that happened, odds would soar that the President would veto the bill, and that many Senate Democrats and a few Republicans who voted for the Senate version would switch over and sustain the veto. Result: No securities litigation reform at all.

To avoid that scenario, Senate Republicans are trying to convince House colleagues to accept the current Senate version as the final bill. The President might veto that one also. But chances are, he would not do that unless he was sure enough Senate Democrats who supported that version—including Massachusetts' Edward Kennedy, New Jersey's Bill Bradley and West Virginia's Jay Rockefeller—were willing to flip-flop to sustain his veto.

You can bet that the lobbyists who have been pressing for years to protect their corporate clients from being sued for fraud will have a lot to say about the Republican tactics and the outcome. MONEY has learned that the big accountants, who were shaken by the billion-dollar judgments against them in the savings and loan scandal, would be more than satisfied to get today's Senate bill. Securities industry lobbyists would go along with it too; their hot-button issue is retaining the truncated three-year statute of limitations on fraud suits. Fortunately for them, Sen. Alfonse D'Amato (R-N.Y.), who has accepted more than $800,000 in campaign contributions since 1989 from the securities industry, deleted a provision that would have extended the time limit to five years. People don't call him The Senator from Wall Street for nothing.

However, only lobbying interests are demanding the House bill's bullet-proof protection for lying executives. The Senate language, though also ludicrously lax, does at least allow for executives to get in trouble for statements ''knowingly made with the purpose and actual intent of misleading investors.'' The burden would be on the investors, though; they would have to prove that the company official actually intended to defraud them, rather than, say, simply tried to entice them with recklessly inflated claims. If the Senate version becomes law, Sen. Paul Sarbanes (D-Md) says, ''A lot of very fast games by some very fast artists are going to be played on the investing public.'' Still, a Washington source says: ''Silicon Valley is insatiable. Unless they're protected from fraud, they won't go along.''

So what will the President do if today's Senate bill lands on his desk as the final legislation? Or if he gets an only slightly altered version?

We can only hope that he stands up for small investors like you by vetoing it. Anything less could undermine the public's confidence in the financial markets. Why? Because while Congress is trying to slam the

courthouse door shut, it is also threatening to force securities cops off the beat. Late in September, for example, the Senate voted to cut the Securities and Exchange Commission's budget by 10%, even though the reduction might well compel the SEC to lay off enforcement agents.

What should you do? Obviously, if you believe as we do that today's securities litigation legislation foolishly sacrifices investors' interests on the altar of radical reform, keep writing to us. We will relay your thoughts to the key lawmakers and to the President.

Write to: Protect Our Rights. MONEY, Room 32–28, Time & Life Building, Rockefeller Center, New York, N.Y. 10020. Send a fax to: 212–522–0119. Or send E/mail to: letters@moneymag.com.

[From Money Magazine, December 1995]

NOW ONLY CLINTON CAN STOP CONGRESS FROM HURTING SMALL INVESTORS LIKE YOU

The debate over Congress' reckless securities litigation reform has come down to this question: Will President Clinton decide to protect investors, or will he give companies a license to defraud shareholders?

Late in October, Republican congressional staffers agreed on a so-called compromise version of the misguided House and Senate bills. Unfortunately, the new bill jeopardizes small investors in several ways. Yet it will likely soon be sent to Clinton for his signature. The President should not sign it. He should veto it. Here's why:

The bill helps executives get away with lying. Essentially, lying executives get two escape hatches. The bill protects them if, say, they simply call their phony earnings forecast a forward-looking statement and add some cautionary boiler-plate language. In addition, if they fail to do that and an investor sues, the plaintiffs still have to prove the executives actually knew the statement was untrue when they issued it, an extremely difficult standard of proof. Furthermore, if executives later learn that their original forecast was false, the bill specifically says they have no obligation to retract or correct it.

High-tech executives, particularly those in California's Silicon Valley, have lobbied relentlessly for this broad protection. As one congressional source told Money's Washington, D.C. bureau chief Teresa Tritch: ''High-tech execs want immunity from liability when they lie.'' Keep that point in mind the next time your broker calls pitching some high-tech stock based on the corporation's optimistic predictions.

Investors who sue and lose could be forced to pay the winner's court costs. The idea is to discourage frivolous lawsuits. But this bill is overkill. For example, if a judge ruled that just one of many counts in your complaint was baseless, you could have to pay the defendant firm's entire legal costs. In addition, the judge can require plaintiffs in a class action to put up a bond at any time covering the defendant's legal fees just in case they eventually lose. The result: Legitimate lawsuits will not get filed.

Even accountants who okay fraudulent books will get protection. Accountants who are reckless, as opposed to being co-conspirators, would face only limited liability. What's more, new language opens the way for the U.S. Supreme Court to let such practitioners off the hook entirely. If such a lax standard became the law of the land, the accounting profession's fiduciary responsibility to investors and clients alike would be reduced to a sick joke.

Moreover, the bill fails to re-establish an investor's right to sue hired guns, such as accountants, lawyers and bankers who assist dishonest companies. And it neglects to lengthen the tight three-year time limit investors now have to discover a fraud and sue.

Knowledgeable sources say the White House is weighing the bill's political consequences, and business interests are pressing him hard to sign it. ''The President wants the good will of Silicon Valley,'' says one source. ''Without California, Clinton is nowhere.''

We think the President should focus on a higher concern. Our readers sent more than 1,500 letters in support of our past three editorials denouncing this legislation. As that mail attests, this bill will undermine the public's confidence in our financial markets. And without that confidence, this country is nowhere.

FRATERNAL ORDER OF POLICE, NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, November 30, 1995.

Hon. JOHN D. DINGELL,
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, D.C. 20515–2216

DEAR CONGRESSMAN DINGELL: The attached letter to President Clinton reflects our strong opposition to the Securities Litigation Reform Act (S240/HR1058).

While the letter urges the President to veto the bill, we haven't discarded the possibility that Congress will do the right thing—that is, to protect investors from fraud, and, where fraud occurs, protect the rights of investors to seek redress.

When a citizen needs protection, public safety personnel are there. On behalf of the 270,000 rank and file police officers who belong to the Fraternal Order of Police, we ask for your help, and your protection, on this critically important legislative issue.

Sincerely,

GILBERT G. GALLEGOS,
National President,
Fraternal Order of Police.

FRATERNAL ORDER OF POLICE, NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, November 29, 1995.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States,
Washington, DC.

DEAR PRESIDENT CLINTON: On behalf National the Fraternal Order of Police, I urge you to veto the ''Securities Litigation Reform Act'' (HR1058/S240). The recently released draft of the House/Senate conference report clearly reflects a dramatic reduction in the ability of private, institutional and government investors to seek redress when victimized by investor fraud.

As a matter of fact, the single most significant result of this legislation would be to create a privileged class of criminals, in that it virtually immunizes lawyers, brokers, accountants and their accomplices from civil liability in cases of securities fraud.

This bad end is reached because of several provisions of the legislation: first, it fails to restore the liability of aiders and abettors of fraud for their actions; second, it limits wrongdoers from providing full compensation to victims of fraud by eroding joint and several liability; third, it could force fraud victims to pay the full legal fees of corporate defendants if the defrauded party loses; and, finally, it retains the short three year statute of limitations for bringing fraud actions, even in cases where the fraud is not discovered until after three years has elapsed.

Mr. President, our 270,000 members stand with you in your commitment to a war on crime; the men and women of the F.O.P. are the foot soldiers in that war. On their behalf, I urge you to reject a bill which would make it less risky for white collar criminals to steal from police pension funds while the police are risking their lives against violent criminals.

Please veto HR1058/S240.

Sincerely,

GILBERT G. GALLEGOS,
National President,
Fraternal Order of Police.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, November 29, 1995.

DEAR REPRESENTATIVE: The AFL–CIO opposes the conference agreement on H.R. 1058, the Securities Litigation Reform Act of 1995. The conference agreement significantly weakens the ability of stockholders and pension plans to successfully sue companies which use fraudulent information in forward-looking statements that project economic growth and earnings. There is a new ''safe harbor'' provision in this conference agreement that allows evidence of misleading economic information to be discounted in court if it is accompanied by ''appropriate cautionary language.''

The AFL–CIO believes this compromise will vastly increase the difficulties that investors and pension plans would have in recovering economic losses. Similarly, the joint and several liability provisions in this bill provide added, and unwarranted, protection for unscrupulous companies, stockbrokers, accountants and lawyers.

In short, this bill tips the scales of justice in favor of the companies and at the expense of stockholders and pension plans. Both of these latter groups are forced to rely exclusively on information provided by these companies when evaluating a stock, but this information would not be able to used in court to recover economic damages for misleading information.

The Congress should reject the conference agreement on H.R. 1058.

Sincerely,

PEGGY TAYLOR,
Director, Department of Legislation.

NATIONAL COUNCIL OF INDIVIDUAL INVESTORS,
Washington, DC, November 27, 1995.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our opposition to the recent draft conference report on the Securities Litigation Reform legislation (H.R. 1058/S. 240). We share the concerns of the bills' sponsors that truly frivolous lawsuits harm all Americans. We believe the framework for securities litigation should be improved to more adequately protect the interests of individual investors.

Unfortunately, the draft conference report fails to treat the American investor fairly. For example, as currently drafted, the bill would have cost the victims of the Keating savings and loan fraud over $200 million more than they otherwise lost. Of particular concern to us are the failure to increase the statute of limitations in securities fraud cases, the ''safe harbor'' provisions that reduce the standards for accuracy in forward looking statements, the ''aiding and abetting'' provision which limits investors' ability to recover fraud-created losses, and the ''most adequate plaintiff'' provision naming the largest investor to be the plaintiff.

The National Council of Individual Investors (NCII) is an independent, non-profit membership organization of individual investors established to help them improve their investment performance through education and advocacy.

The fact that the draft conference report does not fairly balance industry concerns with the needs of investors is best demonstrated by its failure to extend the statute

of limitations. Specifically, the draft conference report ignores entirely the devastating practical effects of the U.S. Supreme Court's 1991 Lampf decision. Although the Senate bill as introduced included a provision to lengthen the statute of limitations for investors to file securities fraud actions from three years to five years, this provision was dropped.

The result is that defrauded investors will continue to be forced to file suit for redress within one year after discovering the fraud, but in no case more than three years after the fraud was committed. Virtually every law enforcement official—including the SEC and state securities administrators—supports a longer limitation period. The failure to extend the limitation period will make it virtually impossible for defrauded investors to recover in cases of sophisticated and complex frauds that easily can remain concealed for many years. For example, the current statute of limitations for federal cases had to be waived in the billion dollar fraud case against Prudential Securities, Inc. to provide redress for the tens of thousands of victims of securities fraud.

Also of grave concern to us is the draft conference report's safe harbor for forward looking statements. Incredibly, the conference report prevents investors from recovering losses created by reckless and even deliberately fraudulent statements (including oral statements), so long as the perpetrators accompany the fraudulent statements with ''cautionary'' language saying actual results ''may differ.'' Supporters of the expanded safe harbor claim that it will result in an increased flow of market information. We strongly favor increased investor access to information that is truthful. Obviously however, investors are harmed, not helped, by inaccurate information.

Moreover, in a radical departure from existing law, the draft conference report undermines companies' well-established ''duty to update'' information on their performances. Under this doctrine, even if a statement or prediction is true when made, there is a duty to correct such a statement if it becomes materially misleading in light of later events. The conference report takes language from the House bill that was not in the Senate bill stating that corporate insiders have no duty to update their predictions even if they turn out to be false. Forcing investors to rely on information known to be false is clearly unfair.

Investors also need effective remedies when they become victims of fraud. Particularly when swindlers have bankrupted a company, investors must be able to look to those who facilitated the fraud for compensation. Here again, the draft conference report fails to protect individual investors. Instead, it protects those who ''aid and abet'' frauds from civil liability by letting the U.S. Supreme Court's decision in the Central Bank case stand and from SEC action when their conduct is reckless.

We favor higher standards of ethics for those professionals on whom investors rely for information and counsel. Unfortunately, the draft conference report lowers those standards and, by doing so, reduces the likelihood that investors will have effective recourse when they are victims of fraud.

Finally, the conference report draft undermines the rights of individual investors, particularly small ones, in class action suits. Under current law, the court may name any member of a class, to be a representative of the class, regardless of whether he or she lost $1,000 or $1,000,000. The draft conference report includes a provision from the Senate bill defining the ''most adequate plaintiff'' as the plaintiff with the ''largest financial interest'' in the case. This provision compromises the rights of individual investors by requiring the court to appoint the largest investor, which in many instances will be an institutional investor, whose interests may differ dramatically from the small individual investor. For example, the largest investor may be able to accept settlements with less than full recoveries or may be more concerned with maintaining good relations with corporate defendants.

In the interest of protecting individual investors from securities fraud, protecting the capital markets from inaccurate information, and protecting the right to redress for small investors, we strongly urge you to oppose, and if necessary, veto this legislation.

Sincerely,

GERRI DETWEILER,
Policy Director.

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK,
New York, NY, November 15, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing on behalf of the Association of the Bar of the City of New York to urge that certain changes be made in the proposed ''Private Securities Litigation Reform Act of 1995'', as it currently appears in the form of a Draft Conference Report dated October 23, 1995.

The Association's Committee on Securities Regulation and Committee on Federal Courts have studied intensively the proposed legislation in its various versions, have submitted detailed reports to Committees of both the House and Senate,[1] and have testified before both the House and Senate subcommittees. There is much about the proposed legislation that is commendable. It takes significant steps to redress abuses identified by Congress, including prohibition of the payment of referral fees to brokers, of the making of bonus payments to individual plaintiffs, and of the payment of attorneys' fees from SEC disgorgement funds. Our prior reports recommended these steps and also supported the enhanced disclosure of settlement terms to class members now contained in Section 102 and the proportionate liability concept contained in Section 202. The Association opposed other proposals (*e.g.*, ''loser pays'' provisions, provisions modifying the fraud on the market theory, and provisions redefining the recklessness scienter standard) that were wisely deleted from the proposed legislation.

Nevertheless, the proposed legislation should not become law unless certain provisions are changed: certain provisions relating to forward-looking statements that are fundamentally inconsistent with the objectives of the securities laws and the interests of investors, and other provisions relating to Rule 11 of the Federal Rules of Civil Procedure that would be even more onerous than a prior version of Rule 11 that was found to be unworkable and an unreasonable burden on an already burdened civil justice system, and that reflect a lack of balance in certain respects. In addition, if the foregoing changes are made, there are certain other provisions of the proposed legislation that we believe should be changed in order to improve the quality of the bill.

PROVISIONS THAT REQUIRE CHANGE

Safe Harbor for Forward-Looking Statements

The safe harbor provision is at the heart of our concern about the proposed legislation. The proposed statutory language, while superficially appearing to track the concepts and standards of the leading cases in this field, in fact radically departs from them and could immunize artfully packaged and intentional misstatements and omissions of known facts.

Existing law distinguishes between projections, expressions of belief and other ''soft'' information, and statements of existing facts. The former are protected by the ''bespeaks caution'' doctrine if they are sufficiently hedged with concrete warnings tailored to the uncertainties that affect the outcome predicted. But a knowingly false statement or omission of material facts known today would not be protected by hedging language. For example, a prediction about the future success of a new drug could be protected by the bespeaks caution doctrine if the uncertainties that attend the development and introduction of new drugs are adequately described. But a failure to disclose that the company's tests to date were already known to have raised substantial questions about the drug's safety or efficacy would not be protected by cautionary language about the necessity and difficulty of securing FDA approval.

The proposed legislation does not reflect this distinction between statements about or omissions of currently existing facts and projections and other soft information. Its definition of ''forward-looking statement'' now covers any ''statement of the assumptions underlying or relating to [a projection or other forward-looking statement] . . .'' [proposed Section 13A(i) of the 1933 Act]. Assuming that the standards for protection discussed in the next paragraph are met, even a knowingly false statement of an assumption would not give rise to liability. And even an omission to state, for example, the results of the company's testing would not give rise to liability (again, assuming the standards are met) because the proposed legislation protects any ''omission of a material fact . . . with respect to any forward-looking statement . . .'' [proposed Section 13A(c)(1)(A) of the 1933 Act].

Proposed Section 13A(c)(1) of the 1933 Act provides that a defendant is not liable with respect to a forward-looking statement if and to the extent that either of the following occur:

1. The forward-looking statement is identified as such and ''is accompanied by meaningful cautionary statements identifying substantive factors that could cause actual results to differ materially from those projected in the forward-looking statement.'' or

2. The plaintiff fails to prove that the defendant (or an officer of a defendant corporation) had ''actual knowledge . . . that it was an untrue statement of a material fact or omission of a material fact. . . .''

Accordingly, under the proposed legislation, even if the plaintiff proves that the statement or omission of a currently existing material fact was known to be false, the existence of cautionary language would be enough to protect that knowing falsehood.

Protecting knowingly false statements or omissions of material existing facts is not consistent with the purposes of the federal securities laws and encourages exactly the kind of conduct those laws were designed to eliminate. There is no public policy objective that justifies protecting that kind of conduct in our capital markets. This significant problem can be eliminated by simply adding language to make it clear that the safe harbor does not protect misstatements or omissions of existing material facts that would otherwise give rise to liability.

Finally, the statutory language does not require the cautionary statement to be addressed to the risks that are foreseeable or

[1] ''Report on Private Securities Litigation Reform Legislation'' (S. 1976, the Dodd-Domenici Bill), the Record of the Association of the Bar of the City of New York (the ''Record''), Vol. 50, No. 1, Jan/Feb 1995 and ''Report on Title II of H.R. 10 (HR 1058) ''Reform of Private Securities Litigation,'' The Record, Vol. 50, No. 5, June, 1995.

most likely to occur. The approach in federal case law has been to require ''[not just any cautionary language . . . [but] disclaimers . . . [that] relate directly to that on which investors claim to have relied.'' Kline v. First Western Government Securities, Inc., 24 F.3d 480, 489 (3d Cir. 1994); see, e.g., Harden v. Raffensperger, Hughes & Co., 65 F.3d 1392 (7th Cir. 1995); In re Worlds of Wonder Securities Litigation, 35 F.3d 1407 (9th Cir. 1994); In re Donald J. Trump Casino Securities Litigation, 7 F.3d 357, 371–72 (3d Cir. 1933), cert. denied, 114 S. Ct. 1219 (1994) (''cautionary statements must be substantive and tailored to the specific future projections, estimates or opinions in the prospectus which the plaintiffs challenge'').

Section 13A(c)(1)(A)(i) should be revised to make it clear that cautionary statements are only ''meaningful'' if they identify the substantive factors that are most likely to cause actual results to differ materially—that is, they should be ''tailored'' to the real risks associated with the forward-looking statement.

Sanctions Against Lawyers and Parties

Section 103 of the proposed legislation provides for mandatory findings, upon the final adjudication of any case, as to whether each party and counsel has complied with Rule 11 of the Federal Rules of Civil Procedure. If the rule has been violated, under the proposed legislation the imposition of sanctions against an offending party or lawyer is mandatory. There is a presumption that an offending plaintiff or plaintiff's lawyer must pay all the legal fees and costs of the entire action, while an adverse finding against a defendant or defendant's lawyer creates a presumption that the defendant or defense counsel must pay the fees and costs directly caused by the dereliction. There are a number of serious problems with Section 103.

In its current form, Rule 11 authorizes federal courts to impose sanctions for pleadings, motions, and other steps that are taken for the purpose of harassment, are frivolous, are without evidentiary support, or are otherwise abusive. There is neither a mandatory finding nor mandatory sanctions. Prior to 1993, the rule provided for mandatory sanctions, but findings were made only upon the motion of an opposing party. The result was a large volume of collateral litigation. The Rule was changed in 1993 upon the recommendation of a nonpartisan advisory committee and after approval by the Supreme Court and the Congress. Those amendments to Rule 11 were designed, among other things, to reduce the collateral litigation by clarifying the rule's standards and removing the requirement of mandatory findings and mandatory sanctions will bring back a high level of collateral litigation in this area, a burden which the justice system can ill afford. Indeed, a major purpose of the proposed legislation is to reduce litigation.

Earlier drafts of the proposed legislation had included a ''loser pays'' provision, which was rejected by the Congress. The proposed legislation, by creating a presumption that the sanctions for violation of Rule 11 in connection with a plaintiff's complaint should be payment of all the legal fees and costs of the action, takes a significant step back in the direction of a ''loser pays'' rule.

While Section 103 permits the court to relieve counsel or a litigant from such draconian sanctions upon proof by the person seeking relief that the award would impose an unreasonable burden or would be unjust, or that the Rule 11 violation was de minimis, the threat that a hostile judge would impose sanctions that could wipe out a lawyer or litigant would have a chilling effect on even the most meritorious suits.

We believe that Rule 11 should remain in its current form, which accords substantial discretion to the parties in deciding whether to request sanctions and to the trial judge in tailoring the sanctions to the wrongdoing.

OTHER COMMENTS

Pleading Requirements

The pleading requirement regarding the defendants' state of mind is more demanding in the proposed legislation than in S. 240. The proposed legislation would require that in a private action for money damages where the plaintiff must show that the defendant acted with a particular state of mind, ''the complaint shall, with respect to each act or omission alleged to violate this title, specifically allege facts giving rise to a strong inference that the defendant acted with the required state of mind.''

This language is derived from the case law developed in the United States Court of Appeals for the Second Circuit, but it incompletely sets forth the Second Circuit standard. *See Shields v. Citytrust Bancorp., Inc.,* 25 F.3d 1124, 1128 (2d Cir. 1994). On the Senate floor, Senator Specter offered an amendment, which was adopted by the Senate and contained in S. 240, that was designed to adopt the complete Second Circuit standard used by the courts: a strong inference that the defendant acted with the required state of mind may be established either—

(A) by alleging facts to show that the defendant had both motive and opportunity to commit fraud; or

(B) by alleging facts that constitute strong circumstantial evidence of conscious misbehavior or recklessness by the defendant.

Without the complete Second Circuit standard, courts would be given no guidance by the proposed legislation as to how a plaintiff can plead the required state of mind without the benefit of access to the defendants' thought processes and internal documents. Moreover, elimination of the Specter amendment might constitute evidence of legislative intent that such standard may not be used by the courts for guidance.

Enforcement Actions Based On Aiding and Abetting

The proposed legislation ineffectively deals with the consequences of the Supreme Court's decision in the *Central Bank* case, in which the Court held that there is no implied civil liability for aiding and abetting fraudulent conduct in violation of Rule 10b–5 promulgated under the 1934 Act. While its holding related to private litigation, the reasoning of the Court in *Central Bank* has led some to question the SEC's authority to prosecute aiders and abettors.

The proposed legislation does not restore aiding and abetting liability in private actions. In cases where the issuer has gone bankrupt, even though others have acted knowingly and in spite of the proposed legislation's adoption of proportionate liability, injured investors may be left with no recourse under the federal securities laws. The proposed legislation confirms the SEC's authority to pursue aiding and abetting claims, which we support. But the SEC can only prevail if the defendant has ''knowingly provide[ed] substantial assistance'' to the primary wrongdoer, thereby probably barring the Commission from pursuing aiders and abettors who act recklessly.

As stated in our Report on S. 1976, we believe that this restriction on the ability of the Commission to act is unwise. Some recent notorious cases have involved professional whose reckless conduct permitted unscrupulous but ultimately judgment-proof promoters to defraud the investing public of hundreds of millions of dollars. Since liability in SEC actions would be limited to aiders and abettors who know of the fraudulent conduct and render substantial assistance anyway, the legislation could provide an incentive to professionals to close their eyes to red flags suggesting the existence of fraud in order to avoid obtaining actual knowledge.

Very truly yours,

STEPHEN J. FRIEDMAN,
Chairman,
Committee on Securities Regulation.
EDWIN G. SCHALLERT,
Chairman,
Committee on Federal Courts.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I thank the gentleman from Virginia, Mr. BLILEY, for yielding and commend him, my colleague and friend from Orange County, Mr. COX, and the bipartisan group in both bodies who have worked so hard to bring the securities litigation reform conference report to the floor. I join them in strong support of the conference report and urge the House to vote for it.

Early in March, the House began the process of enacting a much needed reform of our securities laws. Today's conference report builds on that effort and melds the best features of both the House and Senate-passed bills into a measure worthy of support.

As many of my colleagues have already stated, the future of our Nation's competitive advantage lies in our ability to develop products that are on the cutting edge of technology and research. The business ventures which undertake such activities are among the fastest growing segments of our economy. Indeed, they are the pride of our economy and, for many of us, the pride of our districts and States.

As a corporate lawyer, I am well aware that many of these business ventures are saddled by the costs and distractions of unwarranted and meritless lawsuits, filed when stock prices fluctuate for reasons beyond the control of business management. The consequences of these abusive suits are costly legal proceedings that, in virtually every 10b–5 case, lead to settlements. Despite the absence of wrongdoing by management or management's advisers, corporations are essentially forced to pay large sums to avoid even larger expenses associated with putting on a legal defense.

During our debate in March, for example, I cited several cases, including that of Sun Microsystems, the world's leading manufacture of computer work stations, Silicon Graphics of Mountain View, and Rykoff-Sexton of Los Angeles. They are only a few of the many examples of the huge waste in resources defending, as well as prosecuting, meritless cases.

Also targeted without regard to their actual culpability are deep pocket defendants, including accountants, underwriters, and individuals who may be

covered by insurance. As a consequence, the increased costs they suffer are passed along to businesses. Indeed, American companies pay higher premiums for director and officers insurance. One high-technology company had its premiums increased from $29,000 per year for $2 million in coverage when it was privately held, to $450,000 per year for $5 million in coverage when it went public. Its Canadian competitor pays $40,000 for $4 million in coverage.

It is critical to remember that investors are on both sides of these lawsuits. For one side, the return on their investments is reduced by the costs borne by the securities industry generally and the company in which they invested.

On the other side, even where they are legitimate claims investors are inadequately compensated because, under the current scheme, lawyers have incentives to settle quickly and move on to the next case.

These costs have consequences. Companies targeted because of their volatility of their stock prices have resources diverted from research and development, new product development, and market expansion. Millions of dollars that could be used for productive business purposes are consumed by wasteful lawsuits. Jobs are lost or never created.

The conference report before us ends abusive practices and restores investor control over lawsuits. Most importantly, it removes the incentives for abusive lawsuits, and requires courts to sanction parties for frivolous or factually unsupported arguments and motions.

Mr. Speaker, if our Nation is to continue to compete in the global market and to excel in those technologies that improve our living standard and that of the world, we need to reform our securities litigation system. We need to ensure that small high-technology and emerging growth companies can devote their resources to research and product development and promotion, instead of paying for the ill-gotten gains derived from abusive lawsuits.

I encourage my colleagues to support H.R. 1058.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS], the ranking member on the Committee on the Judiciary.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding me this time. As the distinguished gentleman from Michigan and dean of the House, Mr. DINGELL, has pointed out, this is classic special interest legislation of, for, and by special interest lobbyists. Among the many outrageous provisions of the legislation is the 3-year statute of limitations. Unless a victim brings suit within 3 years, that victim can be forever barred, even if circumstances prevented his or her knowledge of the cause of action. That could leave those who would rob our seniors and other investors laughing all the way to the bank.

Witness the Washington Public Power System nuclear reactor case. In that case, there was a highly complex scheme to defraud relying on borrowed money, obscured by delayed construction, and eventually resulting in a massive bond default. A 3-year statutory bar in that case could have let the wrongdoers go scott free, because the discovery of the actual wrongdoing took years.

In the Prudential Securities case, in which over $1 billion was paid to bondholders, the settlement required an actual waiving of the statute of limitations. That tells us that, if anything, the current law is already too burdensome for victims. Making it even more restrictive, as this measure proposes, is an outrage.

We also conveniently eliminate the civil RICO law that provides treble damages for securities fraud. It is a law that is continually relied on by our Nation's seniors and others who invest their life savings in retirement accounts only to have those accounts then stolen through fraud.

We create a safe harbor for misleading corporate statements about future investments which lure unsuspecting investors; in effect it's a license to lie. We also create immunization for all those wonderful middlemen in securities fraud schemes—lawyers, accountants, and brokers—who represented more than half of the legal judgments in the Keating scandal. We also create a wonderful new trick in the law, a loser pays provision, so that a fraud victim that dares sue a big corporation could end up paying the corporation's legal bill.

Then we eliminate joint and several liability, just to further prevent full recovery for even more fraud victims—that is if victims can still bring suit after the civil RICO and statutory limitation bars. This is the biggest rip-off that we are perpetrating.

This is no longer about the crooks in the investment and securities fraud. This is about what we are going to do. Keep a straight face if you can, but I believe that the Members of this House can do a little better in protecting the needs of our seniors and average investors than that very distinguished other body.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report on securities litigation reform.

Legislation to curb abusive securities-fraud lawsuits was approved by veto-proof margins by both Houses of Congress earlier in the year.

The conference report before us takes a moderate approach to the problem of frivolous securities class-action lawsuits, also known as strike suits.

I would not suggest for a moment that all shareholder lawsuits are frivolous. Certainly, real cases of fraud do occur.

However, there is a collection of class-action lawyers out there who are filing meritless fraud suits against publicly traded companies, especially high-technology firms, whenever their stock prices fall.

A relatively small group of lawyers is responsible for the bulk of these suits, characterized by professional plaintiffs and victims on retainer. They have used the securities laws to win billions from corporations and their accountants.

Strike suits force American companies large and small to squander time and money defending unsubstantiated allegations. Even through 93 percent of these cases never go on trial, each lawsuit cost an average of 1,000 hours of management time and almost $700,000 in legal defense fees. The average settlement costs a company $8.6 million.

Meanwhile, defrauded mom and pop investors recover only 7 cents for every dollar lost in the market.

The reforms under consideration will return the focus of securities laws to their original purpose—protecting investors and and helping actual victims of fraud.

This legislation has been described as a boom for securities firms, accounting firms, and public companies. I might add that it is a boon for employees of those companies, as well as anyone who invests in them in the hope that their stock will go up, not down.

These reforms are long overdue. They're good for American business, they're good for American competitiveness, and they're good for American investors.

□ 1215

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I thank the gentleman for yielding me time. There are few Members of this House, Mr. Speaker, who represent more of the financial community than I do in the communities in my New Jersey district. And so when this House originally considered securities reform, I thought it would make a real contribution. I was wrong.

There was an opportunity to deal with the abuses. Instead, we have raised an enormous new threat to the economy in the innovation and technology of our country. The American economy rests on the confidence of small family investors, retirees, and small business people who feel comfortable putting their life's savings in these markets, knowing if they are defrauded that they have recourse; that the little man and the big corporate leader have equal standing. Today, we

break that balance and we raise the prospect that America, which uniquely has brought all Americans into its investment markets, can lose.

This can be done right. I rise, Mr. Speaker, in support of the motion to recommit, in the belief that this time, if we have a legitimate conference, where the decisions are made by the conferees and not before they are even named, we can have a better bill.

The examples are clear. This is weaker than the original bill written by the other body. The language of ''knowingly made with a purpose and actual intent of misleading investors'' was dropped. The one protection we had for the little investor, for our retirees in our districts, for our little businessmen, now has no recourse.

House language was developed to provide there be no duty on corporate insiders to update their predictions, even if they are found to be false, but that language survived.

Mr. Speaker, I advise Members that this is an important enough provision to do it right. Vote for the motion to recommit, and if it fails, defeat the bill. Let us do it right.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the chairman. Members, first of all, there is no motion to recommit. The Senate had that motion, and the Senate has already acted on the conference report. There will be a straight up or down vote on the conference report, and I rise in strong support of that vote in favor of the conference report.

There is a reason why a majority of the Democrats joined the majority of the Republicans in this House in passing this bill earlier this year. There is a reason why so many Democrats from California, who live in the high-tech communities, rise in support of this bill in this conference report. It is because this bill finally addresses a legal system out of control.

The gentlewoman from California, Ms. HARMAN, said it best. There are two sets of stockholder investors at risk here. On the one hand, there are stockholders who honestly believe they have been defrauded. This bill protects their right to sue and to collect if, in fact, there has been a fraud committed against them. There is another group of stockholders. They are the stockholders who are left with the company who gets sued. They are the stockholders that have to lose money because their company has to buy exorbitant insurance coverage to protect themselves from these strike suits.

If Members do not think it is high, let me cite one high-tech company which was paying $29,000 a year for $2 million worth of coverage. When they went public, their insurance immediately jumped to $450,000 a year for a $5 million policy. Their counterpart in Canada, their competition, pays only $40,000 a year for a similar policy. It is because of our legal system gone awry that insurance costs have risen so high because of these strike suits.

The investors in America's companies should not have to pay these exorbitant insurance costs and these strike suit legal costs. We should fix this system.

If Members do not think it is broke, let me cite one good example from California. A company in California was strike sued immediately when their stock prices changed. A lawyer in California brought a suit saying, oh, there must have been fraud, the price of the stock dropped. And all the parties to the lawsuit, including the accountants in the office of the company, the board of directors, everyone had to go through an extensive period of a year of discovery.

It got so expensive, that in the interest of the shareholders, who still were invested in the company, they agreed to settle at 10 cents on the dollar, where 90 percent of these cases are settled. And so they settled it, because it was cheaper to pay the lawyers to go away than it was to continue fighting the lawsuit.

Guess what? Immediately thereafter another lawyer representing the stockholders who were still with the company brought another lawsuit against the company, alleging that it should not have paid anything to these lawyers for this frivolous lawsuit. They got sued for settling; they got sued in the firsthand. Danged if you do, danged if you don't.

The law creates that kind of awful situation where stockholders get burned on both ends. The legal profession benefits. We need to fix this law so stockholders are protected, not lawyers. I urge adoption of the conference report.

Mr. MARKEY. Mr. Speaker, can we get a recap of the time at this point?

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] has 19½ minutes remaining and the gentleman from Virginia [Mr. BLILEY] has 17 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN], the Democratic nominee for the Senate.

(Mr. WYDEN asked and was given permission to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, I thank my good friend from Massachusetts for his courtesy, and I would only say to my colleagues that there are two ways in America to reduce fraud and protect investors and consumers. We can do it through litigation, and under any circumstances this involves playing catchup ball after a fraud has been perpetrated; or we can detect and deter fraud up front, and that is what this legislation requires.

For the first time in America, under this bill, accountants would be affirmatively required to search for, attempt to detect fraud, and report it to management. If management did not correct it, it would then have to be passed on to Government regulators.

I am of the view, and we saw this under the leadership of the gentleman from Michigan [Mr. DINGELL] that had this requirement been in effect in America, Charles Keating could have been stopped in his tracks cold. Because in the Keating case, the auditors had the goods. And instead of reporting the fraud, they simply shrunk away.

The fraud reporting requirement in this legislation, in my view, provides an opportunity to change the psychology in corporate board rooms all across America. Because in the future, management will know that they cannot have an auditor in their pocket. They will know that an auditor has a legal responsibility to report fraud when this legislation is signed.

So I ask my colleagues to support the bill. It provides a chance to try a fresh approach. Litigation is appropriate where consumers are fleeced, but let us do more to prevent fraud up front by requiring the auditors to blow the whistle. That is what this legislation requires, and I thank my good friend for yielding me the time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume to say that I want to applaud the gentleman from Oregon and thank him for all his good work in the fraud section of this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I think something that has been pointed out previously but deserves to be pointed out again, is that this is a bipartisan bill in terms of over 50 percent of the Democrats supporting it.

In a sense, speaking to my Democratic colleagues, what I think is important for us to realize is that just because something is good for public corporations does not mean it is bad for America. I think that is something we need to understand as individuals, but also as a party as well.

If we talk about the specifics of this legislation, what occurs out there in the real world is that when a stock goes down, a company gets sued automatically, essentially. And there are professional plaintiffs out there that do this. The value added to the economy, to investors, to everyone in America of those lawsuits is negative. The effects are negative. The effects hurt America.

As a party, we care about jobs. As individuals and all Americans, we care about jobs. The effect of this, the existing system, is to hurt access to capital. Hurting access to capital hurts existing businesses, growth businesses, upstart businesses, which are really the major creators of wealth in new jobs in this country.

Mr. Speaker, in an era where we are competing in a world economy, to keep this shackle on us, especially when the value we are getting in terms of this focus of preventing fraud, and I think, as the gentleman from Oregon pointed out, this legislation, in terms of the real world, the real effect, will have a positive effect. This is not throwing

out protections at all. That is a hyperbole that has been discussed on the floor.

When we look at the specifics of what this legislation does, both in terms of affirmative duties of accountants, but in terms of SEC regulations as well, it is that investors' protection is not strong. What is cut out in this bill is frivolous lawsuits that have cost investors and cost our economy across America untold adverse effects over the years.

Mr. Speaker, I rise today in support of the conference agreement on securities litigation reform.

Yesterday, the Senate overwhelmingly endorsed this proinvestor bill and today, I am confident that the House will echo its support with equal strength. Quite honestly, it behooves me that anyone who understands this bill could oppose it. It is a simple decision, a decision between stimulating growth or promoting frivolous, mercenary law suits.

For far too long, economic growth and shareholder returns have been stifled by a ring of legal shackles that pumps the pockets of a few at the expense of many.

This bill will right a terrible injustice: the abusive practice of hiring professional plaintiffs and holding other shareholders as pawns in meritless securities lawsuits.

This bill will restore power to real investors in securities lawsuits, changing the rules so that actual investors, not predatory lawyers, call the shots. This bill will give the Government tough new powers to prevent securities fraud and to punish such fraud when it does take place.

South Florida is home to a great number of dynamic enterprises—growth companies. For these growth companies, passage of H.R. 1058 is a high priority, because H.R. 1058 is a jobs bill. When this bill becomes law, the innovators in my district will be able to spend more resources and effort in creating new jobs, and waste less time confronting frivolous lawsuits.

There's a false notion that this bill weakens the law. THe fact is, this bill strengthens the law. It will strengthen the integrity of the law. It will strengthen the people's respect for the law. It will do this by putting fraudulent legal schemes by predatory lawyers out of business. H.R. 1058 will strengthen our capabilities for combating fraud.

This is bipartisan legislation. THe majority of Members of my party, the Democratic Party, in this Chamber today will vote for this legislation. Progressive Democrats who also may be called New Democrats—Democrats who want innovative businesses to flourish and create jobs—support this bill.

Mr. Speaker, America's capital markets grew to be the strongest in the world in no small part because of our legal system's honesty and integrity. Reforming securities litigation laws will correct an unfortunate flaw in our system and give it the full strength we need to stay competitive in the world. For the good of every American who invests in stock or a pension plan, I urge my colleagues to vote for this bill, and I urge the President to sign it.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, the time will not allow me to tell the story of Z Best Carpet. I would need 10 minutes, but I will do the best I can, because I understand the motivation for this bill. I understand the problems that the proponents of this bill raise, but I would be interested, and maybe the gentleman from California [Mr. COX], at some point, or one of the other proponents of the bill, could explain for me why they needed to go as far as they went.

Why did the opponents of this want to immunize from liability a company that, with full knowledge, and with fraudulent intent, lies about their future prospects? Not makes a mistake, not makes a prediction which turns out to be wrong, not even is reckless in making a suggestion, but with full knowledge of the facts decides to lie about the future in order to attract investors, in order to drive up the stock, and in order to make ill-gotten gain.

That provision goes too far in this bill, and that alone should force the Members of this body to reject this conference report.

Z Best Carpet, a company started by a 20-year-old, just went bankrupt, after a guy who had a total con job, pretending to restore carpets, getting lawyers and accountants to certify what he was doing was real, having a public offering, putting out press releases with false statements, attracting tens of millions of dollars of investors, whose money was lost completely by virtue of this totally empty business. If this bill were in place with this provision that immunizes fraudulent statements about future predictions, where he would predict huge earnings based on the total phony statement of revenues that never existed, all the people who were involved in that future prediction would be immunized from liability.

The safe-harbor provisions and the recitals of potential problems in the future do not do anything to take away from the fact that he decided to put something in writing which he knew to be false, and that is wrong.

□ 1230

What happened here was a settlement was made. The investors recovered 55 cents on the dollar. If this bill were in place, they would have gotten nothing. I do not think that is right. I think in trying to deal with a serious problem, my colleagues have gone too far. I do hope that the body rejects this particular proposal.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from California, but I will respond to the response, if the gentleman will make it short.

Mr. COX of California. Mr. Speaker, I am not sure I understood the qualification, but if the gentleman is yielding to me I would be pleased to respond to the question that he earlier raised.

Mr. Speaker, I have before me a letter from CALPERS, the California Public Employees Retirement System, which as you know is the largest publicly funded retirement system in the country.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from California has expired.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, this is a comment by CALPERS, by our publicly funded retirement system in California, which takes care of the retirement assets of all of our workers. They are very concerned about the status quo, because right now there is not sufficient disclosure for them to make decisions about how to invest. They want to make sure that when a company tries to help them with what is called forward-looking information, that they do not risk a lawsuit.

Mr. Speaker, it is impossible, if we are being fair in our definition of ''fraud,'' to say that when we are talking about future events someone did it fraudulently. Existing law requires that there be statements.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I want to protect forward-looking statements and I want to protect that ability to attract investors. I am not asking that they be necessarily accurate all the time, or right, or correct. I am saying that when they know what they are saying in the future that their nonexistent revenue will grow by 30 percent each year, that that should not be immunized.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Speaker, the first and perhaps the most important overall criticism of this bill is it severely undercuts the deterrent function of the laws against fraud. Those are the first protections that the marketplace provides to investors to induce them into the marketplace so that, in fact, there are robust, long-term levels of investment in our economy.

Let me give the specific concerns which we have about this bill. It is absolutely unbelievable. First, the new safe harbor provision. We should call it a safe ocean. By the way, the SEC is going to need a two-ocean navy to police this safe ocean which is constructed in this bill.

It confers immunity from liability even for intentionally fraudulent forward-looking statements, intentional written misrepresentations about forward-looking information. Even if for the express purpose of defrauding investors, it may be entirely immunized from liability as long as they are accompanied by meaningful cautionary language.

Second, the new safe harbor, safe ocean, may rescind the duty to update past projections, even if a company learns that they were false and misleading. A company's duty to provide

updated information if it learns that a previous forward-looking statement is false may be eliminated based on the language in the draft conference report.

If so, the company would be free to leave false information in the public domain and to withhold, to withhold accurate, updated information even if its purpose is to deceive or mislead investors.

Third, a new provision invites the courts to legalize reckless conduct. The conference report fails to codify the recklessness standard used by the Federal courts and expressly instructs the courts not to infer from the legislative history of this bill any congressional intent to endorse recklessness as a liability standard.

The conference report, furthermore, eliminates the SEC's ability to prosecute those who recklessly aid and abet fraud. The conference report fails to restore any form of civil liability for those who aid and abet fraud.

The conference report fails to restore a reasonable standard of limitations, only 3 years. It took years, many more than 3 years, to find out what frauds were perpetrated under Garn-St Germain that passed this House in 1981. We were learning in 1987 and 1988 and 1989. We are telling poor, innocent investors if they cannot find out what these malefactors are engaged in in 3 years, we are sorry, they have lost their life savings. That is wrong. It is an unreasonable number and the S&L crisis instructs us that it is wrong. We should do better by the investors of this country.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BLILEY) has 14 minutes remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 11½ minutes remaining.

Mr. BLILEY. Do we have the right to close, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in strong support of the conference report on securities litigation reform and as a member of the conference committee, I urge my colleagues to vote in favor of this revised and improved bipartisan legislation.

Anyone looking at the growing number of strike suits being brought against American companies today can only conclude that our legal system needs repair. This conference report provides the necessary reforms to address and remedy these problems.

As the Representative from Silicon Valley, I know that businesses in my region place themselves in of two categories: those that have been sued for securities fraud and those that will be. The vast majority have already been sued—resulting in hundreds of millions of dollars in needless expenses.

This legislation provides companies with relief, but not a blank check. The right of investors to sue in cases of actual fraud is protected by this bill.

It does this by eliminating fishing expedition lawsuits, ending the use of professional plaintiffs, stopping the practice of offering bounties to plaintiffs for signing their names to documents, and allowing companies to make forward-looking statements without liability as long as these statements are accompanied by specific warnings that their predictions may not come true.

Further, this legislation has evolved greatly since we considered this issue last March. On nearly every point of contention, it has been modified to meet the concerns of the Senate, the SEC, and the administration to protect the consumers from actual fraud.

Mr. Speaker, the securities litigation reform conference report is good for investors and businesses alike.

I urge all my colleagues to support this important bipartisan legislation.

Mr. MARKEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I rise to compliment the work of Timothy Forde and Consuela Washington, who were the two counsels for the minority who worked on this bill throughout the course of this year. They developed an alternative bill which dealt fully with all of the frivolous lawsuits that had been brought over the past decade and would have cured the problem. I just want to recognize their good work at this time, and also mention the work of Jeffrey Duncan and Alan Roth and their help on this.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, a little earlier this afternoon, a previous speaker repeated a myth that I think is widely characterized, or could be widely characterized, as a scare tactic. Sometimes we are prone to repeat things over and over again in hopes that either we ourselves start to believe them, or that our colleagues will be scared into believing them.

Mr. Speaker, what that speaker said is that lawsuits automatically are filed when a stock price falls 10 or 20 percent, and that is just simply not the truth.

Three recent detailed studies document the falseness of this argument. In one, a comparison of the number of stock price drops of 10 percent or more in 1 day between the years of 1986 and 1992, and the number of suits filed against those companies whose stocks dropped revealed that only 2.8 percent of those companies ever were sued.

The second study was done by Baruch Lev of the University of California at Berkeley. It was completed in August 1994; in it, a test sample of 589 cases of large stock price declines following a quarter earnings announcement. Extensive research by Lev has revealed that only 20 lawsuits amounting to 3.4 percent of the sample ever were sued.

As Lev noted in his finding, it was hardly consistent with the widespread belief that shareholder litigations are automatically triggered by large stock price declines.

Lev's study was consistent with a third study by academics at the University of Chicago. This was back in March 1993. That study took in 51 companies that sustained 20 percent or greater declines in earnings or sales and that revealed that only one company was the target of a shareholder lawsuit.

So, I will say, my colleagues can keep repeating these myths, they can hope that they can convince themselves and their colleagues to believe them, but the fact of the matter is when we look at these academic studies that it is simply not true, and this conference report should be voted down.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I would like to just respond to the previous speaker, because I can tell my colleagues that 11 months ago I was a lawyer in private practice in Seattle. Anybody who has been practicing law, or involved in this area in the real world recently, knows for sure that this stuff happens.

Mr. Speaker, I can tell my colleagues that there are lawyers in Seattle, WA, who have computer hookups into the stock market and who look at those carefully to decide who to sue. I can tell my colleagues that, frankly, we are in a system right now that anybody who is familiar with it knows it is badly broken and needs to be fixed.

Mr. Speaker, let me say a couple of words about why this system as it works now is so bad, because it is really counterproductive to the very goals we are trying to achieve. The current system prevents people from disclosing information investors would like to have because they can never be sure that they will not be sued for it.

It hurts small companies, because those are the ones that have volatile stock prices. Those are just the companies that need to continue to prosper and who can least afford the cost of a big lawsuit. The worst thing, the thing that bothers me most about the current state of the law, is that it is turned into an elaborate game of chance, not based on right or wrong or justice or injustice, but based on a system that allows lawyers to extort companies and force them to go through a long procedure, even if they are totally innocent, before they can be proven to be innocent.

Mr. Speaker, this law is badly needed. It frankly does not go far enough, but it is a step in the right direction. I urge all my colleagues to support the conference report.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ), the ranking minority member of the Committee on Banking and Financial Services.

Mr. GONZALEZ. Mr. Speaker, as has been emphasized at different times during this last year, particularly, legislation that jeopardizes the rights of honest investors will have a number of very negative consequences, of course.

First, creating substantial obstacles to legitimate lawsuits will significantly diminish deterrence, arguably the most important function of the antifraud provisions of the securities laws. Of course, through the years, and my membership on the Committee on Banking and Financial Services since I came here in 1961, we have faced this repeatedly.

Second, if deterrence is, in fact, diminished, then we are likely to see a significant increase in deceitful and dishonest activity in the market. We have witnessed that in the past.

□ 1245

It is human nature to do what you can and get away with it. If people know that they are unlikely to be caught or to be held accountable for their actions, the temptation is for many to push the frontiers of what they can get away with. This is especially true when the rewards can be immense. Indeed, this is why each of us supports reforms of the procedures governing securities class action suits.

The argument that plaintiffs' lawyers will push the frontiers of what they can get away with if there are not proper mechanisms to hold them accountable for their actions does have merit. But plaintiffs' lawyers are not endowed with any qualities that we know of that makes them succumb to temptation more quickly or frequently than anyone else. And nowhere are the rewards as tempting as they are in the field of securities investments where companies, corporate executives, and financial professionals can potentially make immense profits merely by shading or withholding the truth.

In fact, there have been so many massive financial frauds and scandals related to securities in recent years that they can be recalled by reference to a single name, Prudential, Salomon Brothers, Kidder Peabody, Drexel, the Washington Public Power Supply System, the famous or infamous Lincoln Savings, PharMor, Miniscribe, Centrust. All of these loom large in our memories or some of the older ones. To that list we can now add Orange County, Barings, Daiwa, New Era, and the Common Fund. It is remarkable that investor confidence in our markets has not been shaken by these events.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I rise in support of this legislation. When the bill came before the House last March, I was actually torn. The legislation brought before us then overreacted to what was a very real problem.

I represent an area in California, Silicon Valley, that is home to numerous high-technology companies. These firms are high-growth, entrepreneurial companies with cutting edge new ideas. They are companies of the future. Due to the changeable nature of high-technology industries, stock prices for enterprises can be somewhat volatile.

Current law allows these price fluctuations to form the basis for lawsuits even when no real fraud has occurred. Our local newspaper has found that 19 of the 30 largest companies in Silicon Valley have fallen prey to securities suits. Most of the others expect to be sued soon. Many high-technology companies accordingly now refuse to provide any information about their future performance in order to avoid liability, which deprives all investors of important information.

This is a problem for our economy. Although I was concerned about the original House version of this bill, I am very pleased with the conference report, as it resolves most of the issues I saw at that time.

Unlike the House passed bill, the conference bill has no loser-pay provision, preserves joint and several liability, adopts fair changes to pleading requirements, which are already the law in one Federal circuit, and codifies what I believe is a reasonable safe harbor provision that has already been endorsed by the Securities and Exchange Commission.

Mr. Speaker, I have opposed most of the extreme litigation reform measures pushed through this Congress, but this bill is quite different from those other proposals.

Let me address one final point. This bill is not perfect. It does not address some issues that could have been addressed such as the issues of the statute of limitations and civil liability for aiding and abetting fraud. Those problems, if they are problems, can, if need be, be dealt with in subsequent legislation. But this bill does not create those problems. It does not solve those problems. It is neutral on those problems and is not a valid reason for not endorsing this very moderate, sensible bill that I hope our President will sign. I urge my colleagues to vote for it.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I thank the distinguished gentleman for yielding time to me.

Mr. Speaker, the engine of economic growth in this country is under assault from some lawyers who give the term ''gone fishing'' an entirely new meaning. These lawyers are trolling for easy money won from vulnerable companies whose only crime is being subject to a volatile market.

Small entrepreneurial high tech companies in Massachusetts are being hit with strike suits which seek damages for a loss in stock value. Since going public, recently a number of companies in Massachusetts have been subject to not just one but two and three such suits. One was filed less than 24 hours after this company disclosed quarterly earnings lower than the previous quarter.

This is not unusual. Hundreds of suits are filed by lawyers and professional plaintiffs who prey on small high tech firms because their stocks tend to be more volatile and they are more inclined to settle. In fact, between 1989 and 1993, 61 percent of all strike suits were brought against companies with less than $500 million in annual sales and 33 percent against companies with less than $100 million in sales.

The problem is critical because these high tech companies are the innovators where many of our cutting edge technologies are being discovered. Biotechnology companies, for example, in my district are developing treatments for cancer and AIDS. Strike suits are jeopardizing the development of those life saving products by holding companies hostage and forcing them to divert important resources to fighting these suits.

I want to commend the gentleman from Virginia [Mr. BLILEY], and the gentleman from Texas [Mr. FIELDS], for bringing this bill forward. I think it is a step in the right direction. It is going to help our country. It is going to help our entrepreneurial sector. I think it should be passed, and I think it should be supported by everyone in this House.

Mr. BLILEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, first of all, I would like to thank the long and hard efforts of the majority staff, David Cavicke, Linda Rich, Brian McCullough and Ben COHEN.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members have five legislative days to revise and extend their remarks and include extraneous material on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, just so that all who are listening can understand, the cases which we are talking about at this time constitute one-tenth of 1 percent of all cases brought in Federal district court, approximately 125 companies a year.

Yes, we agree that frivolous suits have to be dealt with and we can construct a guaranteed procedural safeguard to ensure that they are not brought. But what we have here is a specific attempt to ensure that this

one category is stigmatized but all of the other frivolous lawsuits are not dealt with; 125 companies sued under this, tens of thousands of companies suing other companies, mostly for breach of contract.

Listen to this: Here is a quote from a small high technology company in its prospectus. Here is what it says: ''Litigation in the software development industry has increasingly been used as a competitive tactic, both by established companies seeking to protect their existing position and by emerging companies attempting to gain access to the market.''

Imagine that, companies suing other companies trying to keep them off balance. Using the courts for that purpose, Pennzoil versus Texaco, Polaroid versus Kodak, tens of thousands of cases a year. Why do we not apply the very same procedural and substantive test for frivolousness to those cases? If our courts are being clogged, use them for those cases as well. They are the same lawyers, the very same lawyers giving the very same advice, but now in companies suing companies.

I will tell my colleagues why they do not want it, because businesses want to preserve the right to bring frivolous cases against other businesses. They just do not want to be sued by investors, investors from their very own company.

This is what the debate is all about, not whether or not frivolous cases should be dealt with. They should be, but whether or not in fact we are dealing with the problem that exists in the clogged courthouses of this country. This bill deals with an ice cube, not the iceberg which is out there of frivolous lawsuits which should be dealt with. This bill should be defeated.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FARR].

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

[Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. DINGELL], ranking Democrat on the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I commend and thank my dear friend, the gentleman from Massachusetts [Mr. MARKEY] for the outstanding job he has done on this legislation.

With foresight that would impress Nostradamus, the legendary counsel to the Senate Banking Committee, Ferdinand Pecora, wrote a book in the 1930's to remind the public ''what Wall Street was like before Uncle Sam stationed a policeman at its corner, lest, in time to come, some attempt be made to abolish the post.''

Percora went on to describe ''a widespread repudiation of old-fashioned standards of honesty and fair dealing in the creation and sale of securities.'' William O. Douglas, who went on to serve as the second SEC Chairman and later as a Supreme Court Justice, was more blunt: ''Big business behaved like bandits raiding a frontier.''

Because the bill we are about to vote on goes far beyond what is needed to provide a reasonable remedy to the problem of frivolous lawsuits, we could be inadvertently opening the door to an era that will remind some of a time we said would never be repeated.

There is no question that when President Roosevelt signed the statutes we are so profoundly altering here today, he was convinced he was closing the door on the problems that had so painfully been revealed by the 1929 crash. FDR said that ''the merchandise of securities is really traffic in the economic and social welfare of our people. Such traffic demands the utmost good faith and fair dealing on the part of those engaged in it. If the country is to flourish, capital must be invested in enterprise. But those who seek to draw upon other people's money must by wholly candid regarding the facts on which the investor's judgment is based.''

I wonder how many of the Members who will be voting here in just a few minutes know about any of this. The Speaker reminds us all to pay attention to the lessons of history, but in the midst of the longest uninterrupted bull market of the century, it may be easy to wash away memories of the catastrophic economic and market conditions that gave rise to our securities laws. But that's a grave mistake. Because then you would be disregarding the fact that between 1929 and 1932, the value of all stocks listed on the NYSE shrank by 83 percent, and that half of all the stock sold to investors from 1920 to 1933 turned out to be totally worthless.

The bill before us simply goes too far.

There is an expression that says that a fanatic is someone who, when he has lost sight of his objective redoubles his efforts. This legislation suffers from that quality.

I am no rival for Nostradamus, but I worry that this bill is one we may come to regret deeply within the next 3 to 5 years. We have passed well-intended but disastrous legislation in the past. The names Garn, St Germain, Smoot and Hawley may remind you.

This bill is going to do for the securities industry and for the investors what the names Garn and St Germain did for the depositors and for the stockholders and for the savings and loan industry. It is also going to have a factor akin to Smoot-Hawley in the field of trade.

I urge my colleagues, do not let your name be associated with this mistake. Listen to reason and demonstrate that this bill can and should be improved, and you can do that only in one way, and that is by voting no.

Remember the great scandals of recent history, all of which would have received an immunity bath for a large part of the participants, particularly those who were aided and abetted by this particular legislation: Orange County, Boesky, Milken, Dennis Levine, Keating, Prudential Securities, and the Common Fund.

I would also urge Members to take a look just at the safe harbor provision. Never before in my memory has a legislation body given immunity bath not only to people who participated in wrongdoing but, worse than that, to people who knowingly, actively, willingly, and enthusiastically permitted, participated in the generation of fraudulent documents and in the active participation of fraudulent misbehavior in the securities market. I urge my colleagues to vote no on this conference report. The bill is a bad one. It should be defeated.

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Mr. BLILEY. Mr. Speaker, it gives me great pleasure to yield the balance of my time to the gentleman from California [Mr. COX] who has put an enormous amount of work on this bill and done so much to bring us to this point.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California is recognized for 6 minutes.

Mr. COX of California. Mr. Speaker, I thank the distinguished chairman of the full committee, whose leadership has in fact brought us to this point, for yielding me this time.

Mr. Speaker, I would like to draw us back a bit to consider why we are here. The purpose of our securities laws, after all, as enacted in 1933 and 1934 in particular, I mention to the former chairman of the full committee, is to protect investors and to maintain the confidence of the public at large in our markets so that we can increase our national savings, our capital formation, and our investment for the benefit of all Americans.

Investors today are not protected from crooks and swindlers who seek to line their own pockets by terrorizing honest men and women through the device of a strike suit. They are literally using, these crooks and swindlers, our Nation's securities law, to undermine confidence in our markets, to attack investors, who are the victims of their extortion.

That, over and over again, has been what happened when investors found themselves targeted for extortion by abusive and manipulative lawsuits. There is no relief for the victims of these fraudulent lawsuits at present. The investors are cheated, always. In every case they are the ones who are made to pay.

Now, it is true that the same people whose financial self-interest is about to be regulated in this important legislation have lied about this bill. They have lied about its effects, about its purpose. They have spent millions of dollars in order to defeat the regulation. They are not forgiven for this, it is not a forgivable act, but it is predictable.

Let us escape from the hyperbole and focus on what this bill does. It bars professional plaintiffs. We have heard testimony in one case, a lead plaintiff had appeared in over 300 lawsuits. The judge said this surely must be the unluckiest investor in the world. Another man over 75, another plaintiff over 200 times, bringing suits of this kind. We ban attorney conflicts of interest so people who are purportedly represented by class action lawyers, even though they may not know they themselves are members of the class, will be taken seriously as the client. One strike suit lawyer rather famously said ''I have the best practice in the world. I have no clients.'' Well, now they will. We mandate in this bill full disclosure to the investors, to plaintiffs in the class action lawsuit, what are the terms of any proposed settlement, so that the lawyer's conflict of interest will not disadvantage them, so that routinely we will not have lawyers getting millions of dollars while the investors get but pennies on the dollar.

More than anything else, we want to protect our free enterprise economy from this kind of predation. In my district in Southern California, there is a company that has I think experienced this as badly as anyone else, the problems of the strike suit. The company in Rainbow Technologies. They make a software key that prevents piracy of software. It is a fundamental foundation of the entire software industry.

They faced one of these suits 2 years ago at Christmastime. In fact one of the directors was served on Christmas Eve. All the employees were terrorized, there was a great deal of bad press. I have some of it here: ''Software maker insiders accused of investor fraud.'' In fact, the lawsuit itself was filed with reckless disregard of the truth. These were fraudulent claims made against honest people. The employees, the honest people who worked for this company, were completely demoralized.

But it was worse than that. It was worse than all of the money that these people had to spend to vindicate themselves. Their efforts to obtain a qualified outside director fell through. They have to date been forced to drop their directors and officers liability insurance. The kinds of damage that this company suffered, they won their case, it went away, are of no interest to the lawyers who recklessly filed the lawsuit. The chief architect of the lawsuit was quoted in paper saying ''We dropped the suit. That is how the system is supposed to work.'' But getting away with this kind of damage to honest people is not the way the system should work.

Alliance Pharmaceuticals in San Diego, CA, was sued 24 hours after announcing merely a delay in new product development. They make a miracle drug that can help as many as 80,000 premature babies every year whose lungs are not yet formed enough to breathe air.

In a television report about this company and its product, we learned from a mother of a baby who was on the verge of death that she prayed, ''Dear God, please save our baby,'' and God did.

The agent of this miracle was Alliance Pharmaceuticals. The company came through with the medication I described which could be available for 80,000 kids nationwide. The mother said, ''I just wish everyone could have been in that room to see the joy and excitement on everybody's faces. A baby who was about to die, made a 180 degree turnaround.'' Yet this company too was victimized by a baseless suit, for which there was no recompense.

We want to make sure that in the future the people, the honest men and women in America who are helping us advance, that these people have protection against this kind of suit, and that is why this legislation is supported by Democrats and Republicans, by the Washington Post, by the economists. It is bipartisan, it is enormously popular, it is much needed, and I thank the chairman for bringing it to the floor.

Mr. BILBRAY. Mr. Speaker, I rise in support of the conference report. I want to make a few facts clear to my colleagues. This conference report helps correct the injustices now brought by abusive strike suits, and restores a measure of fairness and sanity to our judicial system.

Right now, American investors, consumers, and taxpayers are being taken to the cleaners by those who exploit the system for their benefit, not that of the little guy.

A number of my colleagues have made statements that somehow this bill will pave the way for scoundrels and rascals to plunder innocent investors. Although I am only a freshman, let me assure these colleagues, who have been here longer than I, that the scoundrels and rascals are plundering investors right now. Without this bill, they will continue to do so.

The strike suits that are filed by these rascals have the effect of hindering needed scientific research, stalling economic growth, and wasting time and taxpayer dollars within our judicial system.

Strike suits in my San Diego district have forced small high-technology and biotechnology firms to devote scarce time and resources to questionable trial proceedings, rather than focusing on research and development for a drug or device which could help improve the quality of life for the ill or elderly.

The investor and consumer is also hurt by these suits, because they destroy any incentive for firms to voluntarily make forward-looking information available, on which investors rely to make their own decisions.

Mr. Speaker, this conference report is absolutely essential to my district, and my State of California. It is essential for the little guy in our society; the small investor, the small businessman, and patients and consumers. We should all support this bill, and send it to the President immediately to be signed into law.

Mr. DEFAZIO. Mr. Speaker, I strongly oppose the securities litigation conference report.

The laws governing securities litigation can certainly stand to be improved, but the language of this conference report does much more harm than good. This legislation—written by and for the large securities firms—is antismall investor and antiworking family.

The conference report reduces consumers protection. An investors ability and right to sue unscrupulous securities firms should not be stifled or circumscribed by Congress. For example, the language includes a sweeping loser-pays provision that will make it extremely difficult for anyone without a multimillion-dollar trust fund to challenge a large corporation in court.

Supporters of this legislation claim that there is an explosion of frivolous suits. The fact is that the number of securities class action suits has shrunk over the past 20 years. During the last several years, suits have been filed against only 120 companies annually—out of over 14,000 public corporations reporting to the SEC.

I cannot support this legislation. This conference report goes against the interests of working people and small investors. I sincerely hope that the President will veto this legislation so that Congress can then enact true reform of our Nation's securities litigation laws.

Miss COLLINS of Michigan. Mr. Speaker, I rise in opposition to H.R. 1058, the so-called Securities Litigation Reform Act. This legislation actually weakens Federal securities fraud laws, and is just another example of the majority in this Congress trying to reduce the penalties for certain kinds of crimes committed by their wealthy supporters while continuing to maintain or increase discriminatory penalties for other kinds of crimes more commonly resorted to by poor people.

In addition, I have received hundreds of letters from State and local officials, mayors, municipal and county treasurers and finance officers representing an extraordinary bipartisan national consensus that the pending measure would imperil the ability of public officials to protect billions of dollars of taxpayer monies in short-term investments and pension funds that have been entrusted to them. Many of these officials are both issuers of municipal bonds and investors of taxpayer money. In other words, they can be both plaintiff's or defendants in securities fraud class action lawsuits. They have joined with me to oppose this legislation because it will make it nearly impossible to recover taxpayer losses due to fraud, particularly if something like the Orange County fiscal crisis occurs elsewhere in the country.

Mr. Speaker, I am opposed to this discriminatory measure.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO

Washington, DC, December 4, 1995.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our strong opposition to the conference agreement on H.R. 1058, the Securities Litigation Reform Act of 1995.

This legislation would deny important rights which now protect consumers, stockholders, and pension plans from securities fraud. It would create new and unfair pleading and burden of proof requirements for victims, and it calls for the adoption of the so-called English Rule which unjustly requires the loser of a law suit to pay the defendant's court costs. We believe these changes discriminate against lower and middle income citizens and would severely limit justified litigation, thus acting to lessen deterrence to securities fraud.

Moreover, we are concerned that this legislation would have an adverse impact on public employee pension systems. One needs

only to look to Orange County, California as an example of a case where alleged securities fraud has resulted in the loss of employee retirement funds. If this legislation is adopted, it could limit the ability of those who have been wronged to recover their full damages.

We ask that you oppose the conference agreement on H.R. 1058.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Mr. FAZIO of California. Mr. Speaker, let's face it. The current securities litigation laws leave companies wide open to predatory or frivolous lawsuits. The present situation is a virtual gold mine for class action attorneys who actively seek to put together lawsuits out of unforseeable investor losses. Companies can be sued anytime the value of their stock drops. The cost of defending against these meritless actions often forces settlement agreements as a means to an end. Not only are the companies at risk, but those serving as financial advisors are also on the hook at well.

This comes with a high cost. Over 53 percent of the high-technology companies in California's Silicon Valley have been sued. Public perception of companies with high short-term capital needs and potentially high long-term payoffs is being undermined. Investor confidence is lost, and companies remain vulnerable when, despite their best efforts, they do not do as well as they predicted.

I believe H.R. 1058 is an important step toward protecting companies and their shareholders from the costs of frivolous and downright predatory security lawsuits. It restores balance to the legal system. I have also asked the President to sign this compromise bill this year so these reforms are not further delayed. Securities litigation reform is needed now.

Mr. BLILEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 320, nays 102, answered ''present'' 1, not voting 9, as follows:

[Roll No. 839]

YEAS—320

Ackerman	Barton	Brewster
Allard	Bass	Browder
Andrews	Bateman	Brown (CA)
Archer	Bentsen	Brown (OH)
Armey	Bereuter	Brownback
Bachus	Bilbray	Bryant (TN)
Baesler	Bilirakis	Bunn
Baker (CA)	Bishop	Bunning
Baker (LA)	Bliley	Burr
Ballenger	Blute	Burton
Barcia	Boehlert	Buyer
Barr	Boehner	Callahan
Barrett (NE)	Bonilla	Calvert
Barrett (WI)	Bono	Camp
Bartlett	Boucher	Canady
Cardin	Hobson	Peterson (MN)
Castle	Hoekstra	Petri
Chabot	Hoke	Pickett
Chambliss	Holden	Pombo
Chenoweth	Horn	Porter
Christensen	Hostettler	Pryce
Chrysler	Houghton	Quillen
Clement	Hoyer	Quinn
Clinger	Hunter	Radanovich
Coble	Hutchinson	Ramstad
Coburn	Hyde	Reed
Collins (GA)	Inglis	Regula
Combest	Istook	Richardson
Condit	Jackson-Lee	Riggs
Cooley	Johnson (CT)	Roberts
Cox	Johnson, Sam	Roemer
Crane	Jones	Rogers
Crapo	Kasich	Rohrabacher
Cremeans	Kelly	Rose
Cubin	Kennedy (MA)	Roth
Cunningham	Kennedy (RI)	Roukema
Danner	Kennelly	Royce
Davis	Kim	Rush
Deal	King	Sabo
DeLauro	Kingston	Salmon
DeLay	Kleczka	Sanford
Deutsch	Klug	Sawyer
Diaz-Balart	Knollenberg	Saxton
Dickey	Kolbe	Scarborough
Dooley	LaFalce	Schaefer
Doolittle	LaHood	Schiff
Dornan	Largent	Schumer
Doyle	Latham	Seastrand
Dreier	LaTourette	Sensenbrenner
Duncan	Laughlin	Shadegg
Dunn	Lazio	Shaw
Edwards	Leach	Shays
Ehlers	Lewis (CA)	Shuster
Ehrlich	Lewis (KY)	Sisisky
Emerson	Lightfoot	Skeen
English	Lincoln	Skelton
Ensign	Linder	Slaughter
Eshoo	Livingston	Smith (MI)
Everett	LoBiondo	Smith (NJ)
Ewing	Lofgren	Smith (TX)
Farr	Longley	Smith (WA)
Fawell	Lucas	Solomon
Fazio	Luther	Souder
Fields (TX)	Maloney	Spence
Flake	Manton	Spratt
Flanagan	Manzullo	Stearns
Foley	Martini	Stenholm
Forbes	Matsui	Stockman
Fox	McCarthy	Stump
Frank (MA)	McCollum	Talent
Franks (CT)	McCrery	Tanner
Franks (NJ)	McDade	Tate
Frelinghuysen	McHale	Tauzin
Frisa	McHugh	Taylor (NC)
Frost	McInnis	Tejeda
Funderburk	McIntosh	Thomas
Furse	McKeon	Thornberry
Gallegly	McNulty	Thornton
Ganske	Meehan	Tiahrt
Gejdenson	Metcalf	Torkildsen
Gekas	Meyers	Torres
Geren	Mica	Towns
Gilchrest	Miller (FL)	Traficant
Gillmor	Minge	Upton
Gilman	Molinari	Vento
Goodlatte	Montgomery	Visclosky
Goodling	Moorhead	Vucanovich
Gordon	Moran	Waldholtz
Goss	Morella	Walker
Graham	Murtha	Walsh
Green	Myers	Wamp
Greenwood	Myrick	Ward
Gunderson	Neal	Watts (OK)
Gutknecht	Nethercutt	Weldon (FL)
Hall (TX)	Neumann	Weldon (PA)
Hamilton	Ney	Weller
Hancock	Norwood	White
Hansen	Nussle	Whitfield
Harman	Ortiz	Wicker
Hastert	Orton	Wolf
Hastings (WA)	Oxley	Wyden
Hayes	Packard	Wynn
Hayworth	Pallone	Young (AK)
Hefley	Paxon	Young (FL)
Heineman	Payne (VA)	Zeliff
Herger	Pelosi	Zimmer
Hilleary	Peterson (FL)	

NAYS—102

Abercrombie	Bevill	Clay
Baldacci	Bonior	Clayton
Becerra	Borski	Clyburn
Beilenson	Brown (FL)	Coleman
Berman	Bryant (TX)	Collins (IL)
Collins (MI)	Jefferson	Pastor
Conyers	Johnson (SD)	Payne (NJ)
Costello	Johnson, E.B.	Pomeroy
Coyne	Johnston	Poshard
Cramer	Kanjorski	Rahall
de la Garza	Kaptur	Rangel
Dellums	Kildee	Rivers
Dicks	Klink	Roybal-Allard
Dingell	Lantos	Sanders
Dixon	Levin	Schroeder
Doggett	Lewis (GA)	Scott
Durbin	Lipinski	Serrano
Engel	Markey	Skaggs
Evans	Martinez	Stark
Fattah	Mascara	Studds
Fields (LA)	McDermott	Stupak
Filner	McKinney	Taylor (MS)
Foglietta	Meek	Thompson
Ford	Menendez	Thurman
Gephardt	Mfume	Torricelli
Gibbons	Miller (CA)	Velazquez
Gonzalez	Mink	Volkmer
Gutierrez	Moakley	Waters
Hall (OH)	Mollohan	Watt (NC)
Hastings (FL)	Nadler	Waxman
Hefner	Oberstar	Williams
Hilliard	Obey	Wise
Hinchey	Olver	Woolsey
Jacobs	Owens	Yates

ANSWERED ''PRESENT''—1

Lowey

NOT VOTING—9

Chapman	Parker	Stokes
DeFazio	Portman	Tucker
Fowler	Ros-Lehtinen	Wilson

☐ 1329

The Clerk announced the following pairs:

On this vote:

Mr. Parker for with Mr. DeFazio against.

Mr. Portman for with Mr. Stokes against.

Mrs. CHENOWETH changed her vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PARKER. Mr. Speaker, on rollcall No. 839, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, on rollcall No. 839, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. STOKES. Mr. Speaker, during rollcall No. 839 on H.R. 1058 I was unavoidably detained. Had I been present I would have voted "nay."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1963.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REREFERRAL OF H.R. 103 TO COMMITTEE ON THE BUDGET

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the bill, H.R., 103, which was improperly referred to the Committee on Government Reform and Oversight, be rereferred to the Committee on the Budget as the primary committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

DISCHARGING COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT AND REREFERRAL OF H.R. 564 TO CERTAIN STANDING COMMITTEES

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from the consideration of the bill, H.R. 564, which was misreferred, and that H.R. 564 be rereferred to the Committee on the Budget as the primary committee and, in addition, to the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISCHARGING COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT AND REREFERRAL OF H.R. 842 TO CERTAIN STANDING COMMITTEES

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from consideration of the bill, H.R. 842, which was improperly referred, and that H.R. 842 be rereferred to the Committee on Transportation and Infrastructure as the primary committee and, in addition, to the Committee on the Budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MARITIME SECURITY ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 287 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 287

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1350) to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on National Security now printed in the bill. Each section shall be considered as read. Before consideration of any other amendment, it shall be in order without intervention of any point of order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by the chairman of the Committee on National Security or his designee, shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During further consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks and include therein extraneous material.)

AMENDMENT OFFERED BY MR. QUILLEN

Mr. Speaker, I ask unanimous consent that House Resolution 287 be amended at page 2, line 19, by striking ''10 minutes'' and inserting ''20 minutes.'' The Committee on Rules approved 20 minutes of debate on the manager's amendment, but the resolution erroneously only provides for 10 minutes of debate.

I understand that the minority has been consulted on this matter and that there is no objection to the unanimous consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. QUILLEN:

Page 2, line 19: Strike out ''ten minutes'' and insert ''20 minutes''.

Mr. QUILLEN. Mr. Speaker, House Resolution 287 is an open rule providing for the consideration of H.R. 1350, the Maritime Security Act of 1995. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on National Security, and makes in order as an original bill for the purpose of amendment the committee amendment in the nature of a substitute, with each section considered as read.

Under the rule, it shall first be in order to consider an amendment offered by the chairman of the National Security Committee or his designee. Consistent with the unanimous-consent request, such amendment shall be debatable for 20 minutes equally divided between a proponent and an opponent, and shall not be subject to amendment or demand for division of the question.

Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to consideration may be given priority in recognition, and the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I proudly served during World War II aboard the aircraft carrier *Antietam*. Back then the United States had the largest commercial, privately owned merchant shipping fleet in the world. Now we only rank 16th. Complying with Federal laws and Coast Guard requirements have resulted in higher operating costs for U.S.-flag carriers, and as a result there are less than 150 U.S. flagged vessels. It is outrageous that we've let our merchant marine fleet diminish to this point.

The Maritime Security Act will ensure the availability of a U.S. merchant marine fleet crewed by U.S. merchant seaman to provide sealift capacity for wartime or national emergencies.

Without passage of this bill, the United States will have to rely on foreign-flag shipping to conduct foreign commerce and for any future military operations. We cannot stand by and allow this to happen. The Maritime Security Act will preserve a viable U.S.-flag merchant marine and domestic shipbuilding industry by creating new commercial opportunities for American shipbuilders and streamlining the regulatory process.

Mr. Speaker, I commend the National Security Committee for bringing forth this bipartisan bill. It's taken almost 10 years for the Congress to enact a comprehensive bill to revitalize our Sinking Maritime Program.

The future of our merchant marine fleet is at stake. We owe it to our country to see that all of our defense components—including our sealift capabilities—are second to none.

I urge my colleagues to vote ''yes'' on this open rule and to support this bill.

Mr. Speaker, I include for the RECORD the following material from the Committee on Rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of December 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	56	66
Modified Closed[3]	49	47	20	24
Closed[4]	9	9	9	10
Total	104	100	85	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of December 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of December 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Tennessee [Mr. QUILLEN], my colleague and dear friend, for yielding me the customary 30 minutes.

Mr. Speaker, once again I am happy to see my Republican colleagues bringing an open rule to the floor.

This open rule makes in order a bipartisan manager's amendment which will be offered by Mr. SPENCE and which I urge my colleagues to support.

This amendment makes important changes in re-employment rights for merchant seamen, shipbuilding loan guarantees, and cargo preference requirements.

And this bill does more than promote maritime commerce. It will ensure that during wartime we will not have to rely on ships flying flags other than the American flag to carry American troops and supplies.

Mr. Speaker, a lot of people probably don't realize how badly we needed U.S.-flagged ships during the gulf war. We transported 79 percent of the cargo and troops for that war on U.S.-flagged ships. If, heaven forbid, we ever find ourselves in that position again, we need to be sure that our ships can carry our troops and supplies.

But, Mr. Speaker, our merchant marine fleet is shrinking. In World War II, the United States had the largest commercial shipping fleet in the entire world. Today we are the world's largest trading nation but 15 countries have bigger fleets than we do.

For a country with a maritime heritage as proud as ours, a heritage dating back to the earliest days of the Republic, this is unacceptable.

The bill we are considering today will help preserve that heritage, strengthen our merchant marine fleet, and protect our troops.

In 1948 there were 716 vessels flying the U.S. flag. Today less than 150 vessels fly the U.S. flag in international trade. American ships are becoming an endangered species. Let's not let them become extinct.

Without this maritime security program, maritime operators will have no incentive to fly the U.S. flag or hire U.S. merchant mariners.

I urge my colleagues to support our merchant marines, support this rule, and support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN], chairman emeritus of the Committee on Rules, my mentor, for yielding.

Mr. Speaker, if there ever was a bill that was overdue in this House, it is this one.

Mr. Speaker, this rule which passed in committee by voice vote should be passed overwhelmingly, as it provides for full and open consideration of some absolutely critical legislation.

Mr. Speaker, the Maritime Security Act of 1955 is a vital first step toward revitalizing our merchant marine. Make no mistake about it, this bill does not provide all of the answers to fully restoring the strength of our merchant marine. But it is a huge first step in that direction.

Mr. Speaker, our merchant marine industry is in desperate condition. Forty years ago, this Nation had a merchant fleet of over 4,000 vessels. Today, that number is under 400. We are now in the sorry state where 96 percent of U.S. exports leave this country on foreign ships.

Mr. Speaker, since 1981, we have lost one-third of our shipyards, 50,000 shipyard jobs, and 100,000 jobs in shipyard supply companies.

This situation must be reversed, and now. It must be reversed to preserve jobs, good jobs in the maritime industry. It must be reversed to maintain our trade competitiveness.

And last and most important, it must be reversed to preserve a critical component of our national security apparatus.

Remember Desert Shield, and Desert Storm? Remember the incredible sealift operations that were required? Unfortunately, a lot of that cargo had to go on foreign ships. Some of those ships didn't want to sail into dangerous waters and others were not sure they supported our position of defending Kuwait.

Now, we have another major military operation beginning in Bosnia. Make no mistake about it, this is a mistaken mission, but one that will require a major amount of sealift as well.

Mr. Speaker, every time our soldiers on the ground have to rely on a foreign ship for their supplies, they are in peril.

We must act now to deal with this dangerous and unacceptable situation. If something is not done today to strengthen our Merchant Marine fleet the size of the fleet could drop to less than 100 ships. We cannot allow that to happen and that is where H.R. 1350 comes in.

The National Security committee has done an outstanding job in drafting legislation which begins the process of restoring our merchant marine yet stays within the guidelines of the 7-year balanced budget.

Unlike the current policy, H.R. 1350 employs a more market-based approach to helping the merchant marine.

The legislation does away with the policy of paying foreign wage differentials and establishes a flat per ship rate.

The Maritime Security Act eliminates outmoded regulations, which hamper our fleet's ability to operate. Regulations, such as the requirement to undergo Federal hearings in order to change a trade route or to replace older vessels with new ones.

These changes will give our fleet more incentive to hold down costs, and more flexibility to operate and compete with foreign vessels.

And it is most important to point out. The bill saves money. The program set up will have a spending limit of $100 million per year, as compared to the current level of roughly $210 million per year.

And so importantly, Mr. Speaker, in exchange for the benefits they receive under the program, vessels which participate will be required to provide their services to the Secretary of Defense during a national emergency.

Mr. Speaker, this is really the crux of the matter in my view. When our troops go into harm's way they need the assurance that their supplies will be there for them. We owe them nothing less.

The U.S. merchant marine is a vital aspect of that supply source, and that is why we must pass this legislation today.

☐ 1345

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in support of this open rule and of H.R. 1350. As a member of the maritime panel of the Committee on National Security, I want to commend

the gentleman from Virginia [Mr. BATEMAN], the ranking member, the gentleman from Mississippi [Mr. TAYLOR], for their leadership in bringing this bipartisan measure to the floor today.

While I support the Maritime Security Act, I must note that efforts to improve the U.S. merchant marine industry thus far have been comprised of Band-Aids, when major reconstructive surgery is needed. Even this much needed bill before us is, regrettably, a Band-Aid dictated by fiscal restraints.

I have established in my district, home to the Port of Los Angeles, a maritime advisory committee whose members share with me local perspectives on maritime issues. It is clear that a robust national maritime program is required to protect U.S. national security interests, many of which we just heard about from the gentleman from New York.

I believe we must approach maritime defense issues in much the same way as we should approach nonmaritime defense issues. For both it is critical that we have an industrial base that can meet both commercial and military requirements as well as retain and build high-skilled, high-wage jobs on which that base relies. We can no longer afford to maintain two distinct industrial bases.

Mr. Speaker, the future of our merchant marine is at stake. I urge my colleagues to carefully weigh the consequences of not having a merchant marine, consequences that affect our military readiness as well as our Nation's competitive and rightful place on the world's oceans. I urge support of the rule and for H.R. 1350 as amended by the bipartisan manager's amendment.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN], distinguished chairman of the Committee on National Security Subcommittee on Military Readiness.

Mr. BATEMAN. Mr. Speaker, I thank the distinguished chairman emeritus as well as the chairman of the Committee on Rules and the distinguished ranking member and the gentleman from Massachusetts [Mr. MOAKLEY], for the statements that they have made in support of H.R. 1350.

I am extremely proud that this bill is finally coming to the floor of the House. I want to assure all of my colleagues that this bill comes here as a bipartisan measure. Beyond that, it even comes here as a bicameral measure, because there have been close consultations with our counterparts in the other body to the end that this year at last we will have a Maritime Security Act.

Those who have preceded me, I think, have made it abundantly clear that the national security of the United States is the bedrock upon which this bill, this legislation is founded. No one who really thinks about our national security could possibly make an argument that our country is secure if we do not have an American-flag merchant marine. It is a sad fact of life that without this provision, we virtually assure the disappearance of the American flag from the oceans of the world. That has not just economic consequences for some ship operators, not just economic consequences for some American merchant mariners who would lose their jobs; it has enormous consequences for the very security of these United States.

This Nation is a maritime power, and, as long as it remains a power, it must be a maritime power. Geography dictates that as much today as it did in 1781, when the French fleet, under the Count de Grasse, defeated the British fleet in the Battle of the Capes and sealed the doom of Cornwallis' army at Yorktown. From that date through all of our history, the United States's security has depended upon its maritime capability.

As I said, we face the complete eradication from the seas of the world of an American-flag merchant marine unless we take this modest step.

I would like to tell my colleagues that this was an enormous boost for the American-flag merchant marine and that it would entirely revitalize that merchant marine. That, unfortunately, I cannot tell you. But I cannot emphasize too strongly that there will be no America-flag merchant marine without the Maritime Security Act. We are in the dismal situation where we speak to survival, not just revitalization.

I thank the gentleman for yielding time to me.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague from Massachusetts for yielding time to me and for allowing me to rise in support of not only the rule but the bill.

The question before our House today is a very basic one. Will we act in an affirmative manner and support the continued existence of the U.S.-flag merchant marine by passing H.R. 1350, the Maritime Security Act of 1995. I for one strongly urge this needed measure because I believe that the continued existence of our U.S.-flag merchant fleet is of utmost importance to our Nation, both in our economic terms and our defense terms.

The Port of Houston is in my congressional district and is the largest port for foreign tonnage. Throughout this last century, the Nation's Chief Executives and Congress have recognized the American merchant marine as a national asset. When the prosperity of the American shipping industry was at a low ebb, there was a general recognition by the President and Congress that it should not be allowed to be a wasted asset. Today our U.S.-flag merchant fleet is indeed at its lowest point.

One can say that it is a fading asset. However, the enactment of H.R. 1350 will prevent it from becoming a wasted asset, one which we as a nation cannot afford to loose.

As the health of our U.S. merchant marine steadily became less robust, this body in a bipartisan effort overwhelmingly enacted maritime revitalization legislation in the last several sessions. Unfortunately, the technical considerations in the Senate precluded passage in that body. It is therefore imperative now that we enact H.R. 1350 to provide the wherewithal to reverse the downward spiral in the American-flag fleet itself. This bill and rule deserves our overwhelming support.

Positive and pragmatic action is need to nourish and sustain the growth of our maritime assets. We cannot afford to have any more U.S.-flag vessels exit the American flag. If this legislation is not enacted by this body, be assured that many vessels will leave the American-flag. Is that what we want? I hope not. I believe not.

I, for one, wholeheartedly support the rule and H.R. 1350 and urge all my colleagues to also support it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my friend from Tennessee for yielding time to me.

I am a strong proponent and supporter of this legislation. I congratulate the Members who worked so diligently on this legislation. They have done a remarkable job when one reads it. One provision that is vitally important to the Great Lakes ports, of course, I am very much in favor of. The current cargo preference law unfairly penalizes our ports. In effect, it shuts them out completely of shipping the Federal food aid.

Now, since 1985, we have been working on this particular problem that is this preference which was expanded to the 75-percent level. Our local companies and the people in our area, especially on the Great Lakes, have suffered because of this. We used to be able to ship Wisconsin grown products from our own harbors. Of course, that was changed and we now have to truck these products, taken by rail, flown to other ports, mainly along the gulf coast.

Obviously, this is very costly, very inefficient. It is estimated that this preference costs the taxpayers over half a billion dollars. So naturally when we correct these inequities, I am very much in favor of that. Furthermore, so are the taxpayers.

Furthermore, Federal agencies in charge of the Public Law 480 program place meeting the cargo requirements ahead of fairness and equity in our ports.

Now, on our Great Lakes, we are competitive. We are cost-effective. We are willing and able to do the work.

For example, one Green Bay firm, the Leicht Co., dropped from 150 employees down to 20 employees since 1985 as a direct result of this preference inequity.

Therefore, that is why I say this is a good piece of legislation because it correct that.

Mr. Speaker, the Great Lakes cargo equity provision is about jobs and it is about fairness. We must return fairness to the maritime practices that affect the working people and the ports of the Great Lakes. The unfair cargo preference policy discriminates against local companies and working people, especially on the Great Lakes.

Mr. Speaker, these unjust practices have cost thousands of jobs. So with this legislation we are now saying that we are standing up for the working people in America by passing some equity legislation again to create more jobs. This is a good provision for businesses. It is a good provision for the Great Lakes communities. But it is best of all for the American people, the American working people and the taxpayers of the United States who are going to save through these provisions over a half a billion dollars.

I again congratulate the people who have worked so diligently and so hard on this legislation. this is the type of legislation we need to bring America into the 21st century and allow us to compete with any country in the world.

□ 1400

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, before I begin, I would like to pay tribute, and I am sure that the gentleman from Virginia [Mr. BATEMAN] and the gentleman from Mississippi [Mr. TAYLOR] and the staff now of the merchant marine panel of the Committee on National Security, wants to recognize the work of the gentleman from Massachusetts [Mr. STUDDS] who helped to pioneer this work with the Merchant Marine Committee. Unfortunately this legislation, as has been noted at least indirectly in previous discussion, was killed in the other body, and so we find ourselves playing catch up today.

Why is it so important then that we emphasize this bipartisan approach in the work that has been done by the gentleman from Massachusetts [Mr. STUDDS] and others over the years?

Three things. It revitalizes, helps to revitalize, the U.S. shipping industry. It keeps U.S. ships and American merchant mariners afloat and helps guarantee the availability of supplies of troops overseas.

In June of 1992, Mr. Speaker, General Colin Powell said, and I quote:

Since I became Chairman of the Joint of Chiefs of Staff, I have come to appreciate firsthand why our merchant marine has long been called the fourth arm of defense.... The war in the Persian Gulf is over, but the merchant marine's contribution to our nation continues. In war, merchant seamen have long served with valor and distinction by carrying critical supplies and equipment to our troops in far away lands. In peacetime, the merchant marine has another vital role-contributing to our economic security by linking us to our trading partners around the world and providing the foundation for our ocean commerce.

As has been noted, the U.S. merchant maritime industry, once the world's leader is on the verge of being lost to foreign competition. That is why I regard this bill, Mr. Speaker, as only a first step, an interim step, and I am sure we are going to have bipartisan support to see that we extend this next year. We must move now to resuscitate, and that is the correct word, resuscitate, this vital national resource. In the time of crisis we cannot depend upon foreign-flag ships and crews for defense sealift and sustainment requirements.

Mr. Speaker, this bill costs the taxpayers a fraction of what the Department of Defense would pay to build or charter the same amount of sealift. If we allow this industry to sink, and I mean that literally, we will lose more than just U.S.-flag ships. Our ability to effectively influence worldwide shipping standards which effect domestic and international trade will be diminished and, in fact, lost. A vital U.S. commercial fleet also means jobs for Americans. U.S. commercial fleet also means jobs for Americans. U.S.-flag ships abide by U.S. tax, environmental, safety, and labor laws and standards. American-crewed, American-made ships support U.S. interests.

Mr. Speaker, I come here today to join with my colleagues on both sides of the aisle to say that we are just making the first step in seeing to it that we have a revitalized American merchant marine. I want to see American-built ships and American shipyards, American shippers with American crews, setting the standard for the rest of the world.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would say to my colleagues this is probably one of the most enjoyable times that we have. It is that, as my colleagues know, we did away with, I think the Republicans, with a pretty good committee in the Merchant Marine and Fisheries Committee both under Mr. FORD and Chairman STUDDS. It was one of the most bipartisan committees except with the tuna bill, Mr. Speaker, and we worked pretty well together, and that is what we are doing here. It is not about the 1996 elections, it is not about partisan politics. It is about American jobs, it is about American security, it is about national security, and it is about the betterment of this country.

I take a look at what we can do, and I agree with the gentlewoman from California, Ms. HARMAN's analysis. It is that both under Democrat and Republican rule we have not done very much for our merchant marine fleet, and I think this is a small challenge to do that.

I would like to thank specifically the gentleman from Virginia [Mr. BATEMAN] who serves not only in the maritime panel, the national security panel, but on the old Merchant Marine and Fisheries Committee. He has done the lion's share of fighting with our leadership to make sure that we can bring this up, and I sincerely mean that.

As my colleagues know, during Desert Storm we had to go back, and we used a lot of our ships that had the old boilers. We had to find merchant marine and sailors that even knew how to use those, and they were not very effective. As my colleagues know, we lost millions of dollars in strapping materials, tiedown materials that just hold down the equipment to foreign ships during Desert Storm. We had to onload and offload several ships many, many times costing millions of dollars and the dollars saved. So I do not know if it is on my colleagues' checklist on when they support a bill or not, but it is bipartisan, it is taxpayer friendly, it is jobs, American jobs, both private and union jobs, and it gives national security strength.

I would look at the items that also saved dollars. During Desert Storm it cost about a $174 per ton of cargo under non-U.S. flags. With U.S. flags it was $122. That is a 30-percent savings in those areas, and, when we are getting ready, against my personal will, to go into Bosnia, the C–17 and enhancing our merchant marine so that we can carry cargo and we can put American products on American ships with American seamen, I do not see how my colleagues could not support this, and I thank my colleagues on the other side of the aisle, and I thank the gentleman that was instrumental in doing this.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. LIPINSKI].

(Mr. LIPINSKI asked and was given permission to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, as the former chairman of the now defunct Merchant Marine Subcommittee, I am keenly aware of the deteriorating health of the U.S. maritime industry. The number of U.S.-flag vessels has declined substantially, from 716 in 1948 to less than 150 today, as have the number of American officers and seamen trained to operate these vessels. Although the United States continues to be the world's largest trading Nation, the U.S. commercial shipping fleet now ranks 16th in size in the world.

Why is this? Why are we allowing foreign flag vessels to take over our Nation's commercial shipping fleet? U.S.-flag vessels must comply with Federal tax, environment, safety, and labor laws. Foreign flag vessels do not. Foreign flag vessels hire foreign citizen

crews. They do not have to pay their crew minimum wage or provide them with health, pension, or vacation benefits. They do not have to pay U.S. taxes. In addition, foreign flag vessels have absolutely no obligation to comply with the health and safety standards established by our government. In contrast, U.S. shipowners hire U.S. citizens and must comply with Federal laws protecting the welfare of the crew members. With these higher labor and other requirement costs, U.S. shipowners are at a serious disadvantage. No American company can successfully compete under these circumstances.

We must take action to save the U.S. maritime industry. In addition to commercial shipping activities, privately owned vessels play a significant role in U.S. military readiness. The Defense Department relies on the domestic merchant marine for military sealift operations. In the recent Persian Gulf war, 95 percent of all equipment and supplies needed by American soldiers in the field was moved by sealift—one-third was shipped on privately owned U.S.-flag vessels. In time of crisis, we cannot depend on foreign ships and foreign crews for sealift and sustainment requirements. Why should we rely on Third World crews who have no allegiance to the U.S. to deliver equipment, medical supplies, and materials that American service men and women need as they fight to protect America's interests abroad? We should not and we cannot.

The Maritime Security Act of 1995 ensures a maritime security fleet comprised of privately owned U.S.-flag, U.S. crewed vessels that we can readily rely on to carry our exports throughout the world and to carry our military supplies during a national emergency. I urge you to please vote in favor of H.R. 1350. We need American-crewed, American-made ships to support our national interests.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the House Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding me this time, and I want to congratulate him, the gentleman from New York [Mr. SOLOMON], and the gentleman from Massachusetts [Mr. MOAKLEY] on what I think is an outstanding rule which I heartily support. I also want to thank and congratulate the chairman, the gentleman from Virginia [Mr. BATEMAN] and the ranking member, the gentleman from Mississippi [Mr. TAYLOR] on the Merchant Marine Subcommittee of the Committee on National Security for bringing forward this very important piece of legislation.

I indeed rise to echo the comments of the gentleman from Illinois [Mr. LIPINSKI] who preceded me and rise in support of H.R. 1350, the Maritime Security Act of 1995. I understand that some Members and some organizations may have a problem spending tax dollars to support U.S.-flag, U.S.-manned merchant marine vessels. But we cannot allow the United States, the world's preeminent economic and military power, to lose our presence in the world's trading lanes. We cannot lose our ability to supply and protect our troops during overseas deployments, one of which may well be beginning in the next few weeks.

Mr. Speaker, sealift during Desert Storm-Desert Shield accounted for over 90 percent of the lift of supplies and logistics in those operations. Seventy-eight percent of all of the cargo for those operations was actually shipped on U.S. flags. What this bill does is try to maintain what we have left in terms of a U.S. merchant marine fleet. That is an issue which obviously from the debate that has transpired here already today has strong bipartisan support. Twenty-one freshman Republicans already expressed their support for this bill in a ''Dear Colleague'' letter. The U.S. Navy League and other defense groups support the bill. The bill is also important to the defense of our country, so much so that the appropriation committees of the House and Senate have agreed to fund this program out of the defense 050 account subject to passage of this authorization bill.

I might add that bill will be before the House tomorrow. I would urge its passage, and any Members interested in this particular provision should also be inclined to vote for that Commerce-State-Justice appropriations bill.

We included this provision in that bill, and I think that the sponsors of this particular bill were eager to get it passed into law because our own military commanders, our uniformed soldiers and sailors, continually tell us how very, very critical the U.S. merchant marine is to our Nation's security.

Mr. Speaker, General Rutherford, the commander of our military's transportation command, testified before the Senate last July that his command supports the proposal for a maritime security program which assures access to the type and quantity of sealift capacity and mariners necessary to meet Department of Defense contingency operations. With the $46 million that is appropriated by the Subcommittee on Commerce, Justice, State, and Judiciary subject to this authorization, I would expect that the Department of Defense and the Department of Transportation will work together to expeditiously implement a program that will support the nucleus of an American merchant marine ship estimated to be about 52 ships of LASH, roll-on/roll-off container vessels and other militarily useful U.S.-flag vessels.

Mr. Speaker, H.R. 1350 provides what our military commanders say they need, and most important this revised and reformed program will spend 50- to 60-percent less than programs that have existed before. So to preserve American jobs and to provide an effective American merchant marine I strongly urge an aye vote on the final passage of H.R. 1350. I urge an aye vote on this rule, and I urge an aye vote tomorrow on the rule and the bill involving the appropriations for Commerce-State-Justice which will be before us again within 24 hours.

□ 1415

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my friend from Massachusetts for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1350, the Maritime Security Act, and also the rule pertaining to the act. This has been a very emotional Congress, and it is nice to see bipartisanship. Everyone is agreeing with this bill. It is a good bill. The legislation is critical to the future and continued existence of our Nation's commercial maritime fleet.

As you are aware, last year the House overwhelmingly passed legislation to promote our maritime industry. Unfortunately, the 103d Congress adjourned before the Senate had the opportunity to cast its vote. During the intervening period, several U.S.-flag carriers have chosen a course of action which inevitably led to the reflagging of a number of U.S.-flag liner vessels. The decision to reflag was based on their perceived inability to compete successfully with their foreign counterparts who receive tremendous support and a great deal of incentives from their respective governments, while the U.S. Government promotional programs for this industry have been systematically reduced, eliminated, or attacked.

While foreign nations recognize the importance of maintaining and supporting a strong national flag commercial maritime presence, the U.S.-flag merchant marine has been targeted by its adversaries because it has received government support.

For each direct or indirect expression of support accorded to the U.S. fleet, the American merchant marine has contributed substantially to the economic and national security interests of our Nation. U.S.-flag carriers manned by patriotic and dependable American crews responded each and every time our country called for their assistance in times of war and national emergency, in Haiti, Somalia, Desert Storm, and now in Bosnia. As we celebrate the 50th anniversary of the end of World War II, let us remember the thousands of U.S.-flag cargo ships that were lost during that war and the thousands of merchant mariners who lost their lives in the service of their country.

Without the efforts of the U.S.-flag merchant marine and heroic actions of the men and women who manned those

vessels, perhaps the welfare of this Nation would not be as sound as it is today.

Mr. Speaker, H.R. 1350 is critical to the future and continued existence of America's future maritime fleet. At the same time, the fleet is crucial to our national security. We therefore cannot justify turning our backs on this industry and its loyal work force and must enact the Maritime Security Act swiftly because it represents the best chance for Congress to preserve such an essential resource. It will maintain and create jobs, American products, American ships, American seamen, and workers.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PICKETT].

(Mr. PICKETT asked and was given permission to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the deteriorating condition of the maritime industries of the United States, including the ship repair industry, is a serious and growing danger to U.S. economic and military security. Both our strategic sealift capability and our shipyard mobilization base are at risk and will be increasingly at risk without decisive action by this Congress and this President to enact appropriate remedial legislation.

H.R. 1350 provides a practical, balanced, and cost-effective plan to put in place an integrated and plausible maritime policy. This legislation will begin the process to help our Nation restore and enhance its maritime industrial base.

Members serving on the merchant marine panel have taken a hands-on approach in dealing with the sharply divergent interests that exist within the maritime industries. Chairman BATEMAN is to be commended for his leadership in getting to the floor a bill that is supported by the National Security Committee and the Department of Defense. H.R. 1350 represents a major breakthrough in defining a plan to deal fairly and responsibly with the problem. It is the product of compromise and substantial agreement among the members of the National Security Committee.

H.R. 1350 does carry a cost. The rapidly deteriorating situation cannot be remedied without expending a modest amount of national resources. Any course of action will have costs to our Nation. The challenge is to develop and implement policies that meet our requirements in the most cost-effective manner possible. H.R. 1350 meets this test.

Mr. Speaker, H.R. 1350 will enable our Nation to maintain and sustain a viable maritime industry. The U.S.- and foreign-flag ships trading in and out of U.S. ports will all benefit. Economic and security requirements dictate that our Nation have a strong merchant marine industry.

What we have before us is the very minimum that must be done to begin the job of revitalizing our merchant fleet and ensuring the future of our shipbuilding and ship repair yards. I urge my colleagues to pass this legislation.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER] to close the debate.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me time, and thank him for the generous allocation of time.

Mr. Speaker, I think everything that could be said about this bill has been said, but let me add my thanks to the gentleman from Virginia, Mr. HERB BATEMAN, and the gentleman from Mississippi, Mr. GENE TAYLOR, for their leadership in the merchant marine panel on the Committee on National Security, in being the driving forces to put this bill together and get it to the floor.

This is a national security bill. A little earlier this year, General Robert Rutherford, commander of the U.S. Transportation Command, told Congress that we had to have our own and maintain our own sealift capability. His words were ''We can't plan on the availability of foreign-flag ships and mariners to go into a theater of war.''

In the Persian Gulf operation, about 80 percent of the equipment that we brought to that theater was brought with sealift. About 20 percent was with airlift. It is a little known fact that actually a lot of the sealift that we brought were what I call rent-a-ships. They were ships that, if the foreign policy of this country had been scrutinized a little more severely by our allies, possibly would not have been available; or if the dangers to those ships as they entered the gulf area had been more severe, possibly those ships would not have been available to move American supplies and logistics capability into the gulf.

This is a national security bill. One nice thing about it is the carriers that sign up for this program do not just supply ships, they supply the entire integrated service of transportation. They supply the terminal facilities, they supply the rail systems, they supply the services of the freight forwarders. So you can take equipment from a specific place in the United States and you can guarantee that it is going to be moved all the way through the system into the theater of war or operations that we are maintaining anywhere around the world.

For those people who are free traders and say we should not be subsidizing anything, I would remind them that even Adam Smith, who was the father of free trade, said the one area where you have to guarantee by government expenditures that you have strength and have continuing capability is in the area of maritime security.

If we do not expend these funds, and we are making a fairly dramatic cut from the program that existed before, we are not going to have that guarantee that when the men and women of this country in uniform go to project power around the world, that the equipment that they need will be there for them. We are making that guarantee with this bill.

Once again, my commendations to the gentleman from Mississippi, Mr. GENE TAYLOR, and to the gentleman from Virginia, Mr. HERB BATEMAN, the great chairman of the panel, for all their hard work.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule and the passage of the bill.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 287 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1350.

□ 1424

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1350, to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes, with Mr. DICKEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and the gentleman from Mississippi [Mr. TAYLOR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, before I begin, I want to commend the chairman of this committee's Readiness Subcommittee and the committee's special oversight panel on the Merchant Marine, the gentleman from Virginia [Mr. BATEMAN] for his leadership and hard work on this important legislation. Likewise, the panel's ranking Democrat member, the gentleman from Mississippi [Mr. TAYLOR], should be commended for his leadership on this bill.

H.R. 1350 establishes a Maritime Security Program to ensure that this country retains privately owned, U.S.-

flag and U.S.-crewed vessels to provide a sustainment sealift capability in time of war, national emergency, or when our national security interests require.

Over the years our effort to revitalize this capability has been a bipartisan one. I am proud to say that our committee, which recently received jurisdiction over this issue, has continued this bipartisan tradition. Maintaining our U.S.-flag fleet capable of supplying U.S. troops abroad is too important to get bogged down in partisanship.

Over 80 percent of U.S. sustainment cargo in Desert Storm moved by sea and on vessels which are covered under this bill. Without this legislation, our sealift in the future will likely move on foreign-owned and foreign-flag vessels crewed by citizens from Third World countries. That scenario is not acceptable to me as we all have a responsibility for assuring that our military is supplied in as timely and efficient a manner as possible. This bill helps to assure this goal.

I urge my colleagues' support for this bill and for the manager's amendment which will be offered at the conclusion of general debate.

Before reserving the balance of my time, I would like to announce that Chairman BATEMAN will serve as manager of the bill on this side of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking the ranking Democrat, the gentleman from California [Mr. DELLUMS], for the opportunity to manage this bill. The gentleman in his time as chairman of the Committee on National Security did a magnificent job of looking after the interests of our Nation's shipbuilders and all of our maritime interests, and I think to a very large extent the bipartisan cooperation we are seeing today is an extension of what has been going on for the past 2 years when he was the chairman.

Mr. Chairman, on the day that I was born, the United States was the world's undisputed maritime power. Today, we still have the world's largest and most capable Navy. However, our Nation's merchant fleet is one of the smallest and our ships are some of the oldest in the world. And to be honest, there is not enough commercial shipbuilding on order to maintain the American merchant fleet for another decade.

On Saturday, the U.S. Navy will commission our Nation's newest Nimitz class nuclear aircraft carrier CVN–74, the JOHN C. STENNIS. This carrier is named in honor of a great Mississippian and American who served as the chairman of the Senate Armed Services Committee and the Senate Appropriations Committee.

All Mississippians take great pride in having this magnificent ship named in honor of one of our State's most distinguished citizens.

Unfortunately, the *John C. Stennis* is one of only a handful of ships that were built in our Nation this year. And everyone of those ships were built for the Department of Defense. Not one large oceangoing ship was built in this country last year.

By contrast, the Japanese built 28 percent of all the merchant ship tonnage this year. The South Koreans built 35 percent of the merchant ship tonnage. The six largest shipbuilders in the United States did not even make the list—together they did not deliver a single merchant ship.

I wish that I could tell you that things are better with regard to the U.S. flag merchant fleet. Unfortunately, I cannot. Our Nation's privately owned U.S. flagged merchant fleet is old, small, and shrinking.

In 1985, the U.S. flag merchant fleet consisted of 477 tankers and dry cargo vessels. By 1995 that number had dropped 363. It is estimated that in the year 2000—5 years from now—there will be only 130 merchant ships in the U.S. fleet.

Economically, that means that we are losing jobs for our merchant mariners, shipbuilders, steelworkers, and the tens of thousands of Americans who work in related industries.

Militarily, it means that the world's finest soldiers, sailors, marines, and airmen have to depend on foreign ships and crews for their supplies. Over 90 percent of everything that was shipped to support our troops during desert shield and desert storm was delivered by sea.

Yet, in a nearly flawless war, when not a single American supply ship was damaged or sunk by our enemy—our great Nation had to charter over 80 foreign flag ships to supply our troops. Not because we wanted to, but because there simply were not enough American ships to supply and arm our Nation's Armed Forces.

And, without the assistance of these foreign ships, the world's greatest fighting force would have been helpless for the lack of fuel, food, weapons, and ammunition.

I'd like to be able to tell you that the measure before us today solves all of these problems. Unfortunately, it doesn't fix any of them. It does, however, buy us some time. It helps to keep what is left of the U.S. flag merchant fleet in service for another year. It continues the Title 11 Shipbuilding Loan Program for another year. It gives our Nation's merchant mariners who are recalled to man our Nation's ships in times of national emergencies the same re-employment rights as our national guardsmen and Armed Forces reservists.

□ 1430

Mr. Chairman, on a personal note, I hope that next year the chairman of our panel, the gentleman from Virginia [Mr. BATEMAN], and I can stand before this body with a much more ambitious bill. I think it is very safe to say that Mr. BATEMAN had to learn the job of being in the majority and we Democrats had to learn the job of being in the minority. But I hope that having had a year of experience in these positions, and having had a number of very prominent Members of this body speak on behalf of the American Merchant Marine, I hope that Mr. Johnson was taking names, and I hope Mr. Braver and Mr. Peranich were taking names, because I think we would be very smart in the next few weeks to hunt these people down and get them to cosponsor the very ambitious shipbuilding and ship operating bill for the United States of America for next year.

Mr. Chairman, I rise in support of the bill and I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BATEMAN asked and was given permission to revise and extend his remarks.)

Mr. BATEMAN. Mr. Chairman, these remarks will be much more brief than what is in the prepared statement. So much has been said already in the course of the discussion on the rule about this bill and its merits, I do not want to unduly trespass upon the time of my colleagues to further extol it.

There are very few simple bottom-line things that I hope all Members will focus upon as they come to the floor for the vote on this bill. First of all, we have reformed an existing Merchant Marine subsidization program. It is less than one-half the cost of the pre-existing program. We are providing a sealift surge capability for our national security at a cost of no more than $100 million a year, when the Department of Defense has estimated that to provide that same amount of backup national security sealift capability would, by any other methodology, cost the taxpayers of America $800 million a year.

Mr. Chairman, we are not bringing to the floor an entitlement program, we are bringing to the floor a program which will be sustained on the basis of an annual appropriation, not an entitlement. As I have previously indicated, a program that is less than one-half the cost of the existing program.

Mr. Chairman, when we have heard so repeatedly from people who are so very, very knowledgeable that we are here today dealing in this bill not with the creation of a robust American Merchant Marine but the very survival of the American Merchant Marine, I would hope that when Members come to the floor of the House, unless they believe it is a matter of indifference whether or not an American flagged Merchant Marine survives, that they will be here in support of H.R. 1350.

Mr. Chairman, let me begin by thanking the gentleman from Mississippi [Mr. TAYLOR] for his very able assistance in producing a bill which enjoys strong bipartisan support. I would also like to express my appreciation to the National Security Committee's very able chairman, Chairman FLOYD SPENCE and to the

very able ranking member, the Honorable RON DELLUMS. Without each of these members support and assistance we would not be before the House today.

H.R. 1350 is a very simple and very modest proposal. Support for H.R. 1350 will be a statement by this body and by its Members that you wish to see the American flag continue to fly from vessels carrying this Nation's commerce. But Mr. Chairman even more important, a vote to support H.R. 1350 will assure that our fighting men and women will have the supplies and food and ammunition to sustain their efforts when they are operating in some distant land. The lessons of Desert Storm should not be forgotten so quickly.

I recognize that there are those who have in the past questioned the need for a U.S. merchant fleet to support our troops in time of war, national emergency or where the national security dictates our involvement. Those same individuals had their eyes opened during Desert Storm when the entire free world was mobilized to fight one common enemy. Over 80 percent of our sustainment cargo moved by sea. During that conflict we were forced to use foreign vessels to supplement the available U.S. flag tonnage. Our country was indeed fortunate that we were engaging an enemy that was so vilified by the entire civilized world. The next time circumstances could be different. We may not have a unified world effort.

Let me take just a moment to comment on some key elements of this program and how it differs from the current program. As many of you know the current program is designed as an entitlement program. That program was very expensive. This bill prohibits the granting of any future contracts under this entitlement program. That program will essentially expire next year. H.R. 1350 replaces the old program which had steadily rising payments to the vessel operators with specific set payments each year—$2.3 million the first year, declining the next year to $2.1 million. It is estimated that this program is more than 50 percent cheaper than the current entitlement program. Just as important as the reduction in payments to the vessel operators, is the fact that the funding of this program is subject to annual appropriations. I wish to emphasize that point. If this program is not working or if we are not retaining the assets we need, then Congress can in any year of this 10 year program vote to end it at that point in time.

I would like to make one more point before I yield to the gentleman from Mississippi. The Congressional Budget Office has scored the annual cost of this program at $100 million, with the first year cost at $46 million. This is as I have said, roughly one-half the cost of the current program. For the Defense Department to build or buy this same sealift capacity, it has been estimated that it would cost over $5 billion. Just to maintain that type of fleet and to man it with skilled mariners would easily exceed the annual cost of this Maritime Security Program. In short I believe we have designed a program that reflects the budget restraints we are operating under but at the same time serves to fill a critical shortfall in the sealift capability that is essential to our national security.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. Mr. Chairman, I am pleased at this time to yield to the gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs, for purposes of a colloquy.

Mr. STUMP. Mr. Chairman, I thank the gentleman for yielding, and for the purposes of clarifying the bill's reemployment rights provision, I would like to enter into a colloquy with the gentleman.

My understanding is that the administration, investigation and enforcement provided for in H.R. 1350 for reemployment rights for Merchant Mariners will be done by the Department of Transportation, not the Department of Labor; is that correct?

Mr. BATEMAN. Yes, that is correct. Administration, investigation and enforcement will all be performed by the Department of Transportation, and to the extent necessary, by the Department of Justice. Nothing will be done by the Department of Labor, and these provisions will not impact upon that Department.

Mr. STUMP. Mr. Chairman, could the gentleman also confirm my understanding that this bill in no way gives veterans status to merchant mariners?

Mr. BATEMAN. That is also correct, it would not.

Mr. STUMP. Mr. Chairman, I thank the gentleman for yielding and I urge my colleagues to support this bill.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman and I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 4 minutes to the gentlewoman from Oregon [Ms. FURSE], an active member of the former Committee on Merchant Marine and Fisheries.

Ms. FURSE. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, I rise today in very strong support of H.R. 1350, the Maritime Security Act. As someone who served on both the Committee on Merchant Marine and Fisheries, and the Committee on National Security, and who worked very hard to gain passage of legislation to restore our Nation's maritime industry, I know just how important this legislation is to preserving but also to enhancing our sealift force and maintaining an international commercial transportation capability.

H.R. 1350 is important legislation because it is designed to close two gaping holes in the security of America, one in our defensive structure and the other in our economic base. As a Congresswoman from Oregon, the maritime industry is absolutely vital to my community. The coastal areas and the Columbia River are key players in our local economy as well as bearers of our Nation's heritage.

The people who make their living in the maritime industry have a proud history, but, unfortunately, today there are thousands of people who have lost their jobs or who are struggling to make ends meet as a result of the massive decline in the maritime industry. That decline has come about since 1981.

The legislation before us today, Mr. Chairman, is a first step in saving two of America's most precious resources, domestic shipyards and the U.S.-flagged Merchant Marine. This bill will preserve and also create jobs for American seafarers and shipbuilding workers. And we have the best in this country, the best seafarers and the best shipbuilding workers. These industries will receive genuine improvements that will make a real difference.

These are the industries we need to compete in a global market. Continued American leadership in international trade and a sound national defense both rely heavily on our ability to transport goods and other supplies overseas, including our precious men and women in uniform. Today, unfortunately, we are losing that ability.

Mr. Chairman, H.R. 1350 makes a number of other important reforms in merchant seaman reemployment rights and in cargo preference requirements that will increase efficiencies and, ultimately, will reduce costs. These reforms are long overdue.

As I said earlier, I have served on both of these important committees. I know how important this bill is to our national economic and defensive securities, but it is also important to the people we serve, the people who work in the maritime industry. Their families, their communities, their lives are also at stake, as is our security, both national and economic.

I find it rather disheartening, Mr. Chairman, to be here repeating something I said on this same floor in 1993, but I am glad to be able to be here to speak again in support of this great bill. If we do not put together and implement a sensible maritime policy as soon as possible, there will not be a maritime industry left to salvage. We must get H.R. 1350 passed as soon as possible.

I really want to congratulate the sponsors of this bill and I urge all my colleagues to support H.R. 1350.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, Napoleon once said that an army marches on its stomach. A great deal has changed in history and the security of nations, but Napoleon's observation is as true today as it was so many years ago. In the Persian Gulf war, the United States found that it had the fighting men, it had the world's finest equipment, we had the fighting will, but we lacked the ability to get our forces to the area of combat safely, quickly and efficiently.

For more than 40 years, Mr. Chairman, we have witnessed the rapid but the certain deterioration in the merchant marine capabilities of the United States from the world's largest fleet. In 1945 there were 2,000 flagged vessels of our country, there are today less than 350. To some, it is a loss of pride; to others, an indication of an unfavorable

economic trend. But in the final analysis, there is a more important measure of this deterioration in our presence in the world seas. It is our inability in times of national crisis to ensure that our national interests are protected.

Today, Mr. Chairman, the committee deserves to be complimented because H.R. 1350, the Maritime Security Act, can at least assure the situation will not deteriorate further. Indeed, while saving money for the Federal Government, we can at the same time assure that our security interests are protected in maintaining some minimal presence of American crewed and flagged vessels on the high seas.

There is not a developing nation in the world that does not recognize the importance of what we are doing here today. Every nation has recognized that, as it has had to save money and to assure its public treasury, it had an equal interest for security and economic reasons in the viability of a national fleet. Some will argue this should be done simply in the marketplace, with no Government presence whatsoever, the problem being that those are not the rules by which the world plays.

Mr. Chairman, other nations have decided to involve themselves and their merchant fleets. If we do not, the outcome is simple. There will be no fleet at all.

Finally, to those who would argue that we should simply allow the market to run its course, I would remind them that while other nations might, the United States is not simply another nation. We have the world's greatest security commitments and requirements. We have invested in a vast national security infrastructure, and this is its most vulnerable individual component.

I rise therefore, Mr. Chairman, to congratulate the committee, the Members of the House who have spent so much effort bringing this legislation to the floor today, and I urge my colleagues, by an overwhelming vote, to give their affirmative votes, and I thank the gentleman for yielding.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS], the chairman of the former Committee on Merchant Marine and Fisheries.

Mr. STUDDS. Mr. Chairman, I rise in strong support of the bill somewhat wistfully, precisely as the former chairman of the former committee of jurisdiction over these matters. I note with some pleasure that the tradition of that committee, in terms of bipartisan tranquillity, has extended to this Congress, of all places, and to this floor at this time on this subject with many of these Members who are very familiar with this problem.

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I would also like, for the umpteenth time, to express my appreciation to the members of the Committee on National Security, whatever its title is this year, on both sides, with whom we worked in such a collegial and productive fashion in the last Congress, in an equally bipartisan fashion, to craft legislation which I modestly observe was perhaps a bit stronger and more extensive even than the bill before us now.

That bill died where so many bills die, in the other body, for reasons someone referred to them as technical. I do not think they were technical; I think they were basically political and regional, but they died. It went to its final resting place in that burial of so much good legislation, that plot across the building there.

Mr. Chairman, this is good legislation, but we should not kid ourselves that this is going to solve the problem. We are drawing a minimal line below which we will not let this fleet sink. No Member should think that we have resolved the question of the United States as a maritime power going into the next century by adopting this legislation, even in the unlikely event that the other body can move itself to agree with us. But it is important, it is essential, and I am delighted to join with the members of the Committee on National Security on behalf of this.

Mr. Chairman, I would wistfully observe that had this subject been as important in the minds of the Members on the other side as they say that it is, that their first action might not have been the abolition of the aforementioned, much-lamented and grieved-for Committee on the Merchant Marine and Fisheries. But, nonetheless, that has been done, and I am delighted to be a part of what I hope is a lasting legacy in this and future legislation.

Mr. Chairman, I support the proposed legislation in part because it is absolutely necessary that Congress act now to save our merchant fleet. Twice in the last 2 years, the House has passed legislation that in all modesty would have done more in that regard that this bill, only to have our efforts come to naught in the Senate. But time not only is no longer on our side—it has run out. Today, we are being asked to set a floor below which our commercial fleet cannot be allowed to fall. We should not fool ourselves into believing we are doing anything else. In the future, Congress must again take up the task of formulating the kind of policies necessary to attract new, modern vessels to the United States fleet, with their owners assured of a long-term, binding commitment of the U.S. Government to foster and maintain such a fleet.

Mr. TAYLOR of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER].

(Mr. WICKER asked and was given permission to revise and extend his remarks.)

Mr. WICKER. Mr. Chairman, I certainly rise today in support of H.R. 1350, the Maritime Security Act of 1995, and strongly encourage my colleagues to support this bipartisan effort. I would like to commend the gentleman from South Carolina [Mr. SPENCE] and the gentleman from Virginia [Mr. BATEMAN] as well as my colleague, the gentleman from Mississippi [Mr. TAYLOR], for their leadership, and also the committee for unanimously reporting this legislation.

Mr. Chairman, it is the most sweeping maritime reform in 6 decades, and it will provide for a modern, cost-competitive American maritime fleet while reducing Federal spending by one-half. The legislation will also reduce or eliminate regulations that prevent American ship-operating companies from competing on an equal basis with foreign-flag operators.

Today, Federal regulations determine where our U.S. flagship can operate. These regulations mandate equipment and rules that penalize vessels which fly our flag. They discourage investment in modern, efficient vessels. H.R. 1350 will eliminate regulations that make no sense, that cost American jobs, and that tie the hands of American companies.

Most importantly, H.R. 1350 will give America a commercial private-sector sealift fleet to serve our economic and military objectives and promote a strong national defense that is unquestioned by friend and foe alike.

Supporters of the fleet have included former President Reagan and Gen. Colin Powell, who referred to the program as the ''workhorse'' of our operations in missions such as Desert Shield and Desert Storm.

The U.S. Constitution lays out only one specific responsibility for the Federal Government, and that is to provide for a national defense of our country. We must work to provide the best and most cost-effective defense America can afford.

H.R. 1350 will cut redtape, strengthen our Nation's maritime force, and solidify our Nation's defense at a bargain to the taxpayers. I strongly urge my colleagues to vote for the Maritime Security Act of 1995.

Mr. BATEMAN. Mr. Chairman, I would like to inquire if the gentleman from Mississippi [Mr. TAYLOR] has further speakers.

Mr. TAYLOR of Mississippi. Mr. Chairman, to the best of my knowledge, we have no more requests for time.

Mr. BATEMAN. Mr. Chairman, we have no further requests for time on this side of the aisle.

Mr. TAYLOR of Mississippi. Mr. Chairman, may I say good things about the gentleman from Virginia [Mr. BATEMAN] before he closes?

Mr. BATEMAN. Mr. Chairman, I am always happy to yield for that purpose.

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to encourage all of my colleagues, Democratic and Republican, to support this measure. It is, as the gentleman from Virginia [Mr. BATEMAN] said before the Committee on Rules last week, a modest measure, doing the best we can with what we have to maintain the U.S. merchant fleet.

I have every confidence that the new chairman of the maritime panel can come up with a much more ambitious program for next year and, as his ranking minority member, I intend to work with him to the fullest on that.

Mr. Chairman, I want to take the comments to heart of what the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, said about the need for the American merchant fleet. I think we ought to be on the gentleman's doorstep asking for his help to do the things that we know need to be done.

Mr. Chairman, with that, I yield back the balance of my time, and encourage the passage of the bill.

Mr. BATEMAN. Mr. Chairman, I will take but a moment further, but I feel it is necessary for me to do that in order for me to express my gratitude and, I should hope, the appreciation of all the Members of the House for the cooperation and leadership that I have received as chairman of the merchant marine panel from the gentleman from Mississippi [Mr. TAYLOR], and to also commend the gentleman from Massachusetts [Mr. STUDDS], and the gentleman from Illinois [Mr. LIPINSKI], who have always played a critical role in trying to support the American merchant marine community. They have done yeoman's work in this field. It is a part of a truly bipartisan effort.

So, Mr. Chairman, thanks to all of them, and thanks to all those who came to the floor to express their support for this vitally needed legislation.

Mr. DIAZ-BALART. Mr. Chairman, I rise today to offer my support for H.R. 1350, the Maritime Security Act of 1995.

Mr. Chairman, history has only begun to tell the story of the need for our country to have a viable merchant marine fleet. During the Vietnam war, the demand was not always met by the merchant marine fleet because some of the vessels that were flagged in other countries had crews that refused to crew the fleet during this conflict. More recently, during Desert Shield/Desert Storm, trained mariners were ready to go to sea, but because they had no rehire rights they could not take a chance on losing their civilian jobs. Because of this lack of reemployment, the United States had to rely on pensioners who were in their 60's, 70's and even 80's to service these cargo and supply vessels.

H.R. 1350 reverses a trend and ensures the existence of a fleet of militarily useful U.S.-flag commercial vessels and their American citizen crews, necessary for the military security requirements of our Nation. Fortunately there is consensus in Congress that H.R. 1350 needs to be enacted into law as soon as possible. The Maritime Security Act is supported by all segments of the U.S.-flag maritime industry—the American seafarers and the American shipbuilders.

I am proud to be supporting H.R. 1350 with enthusiasm.

Mr. UNDERWOOD. Mr. Chairman, as an island community 3500 miles west of Hawaii, we on Guam appreciate the immense importance of our national maritime policy. As an American community once occupied by enemy forces, we also greatly appreciate sound national security policies.

The Maritime Security Act of 1995 serves to ensure an American merchant fleet crewed by Americans. These vessels would ensure the availability of critical assets in the event of a major conflict. I support these very important national security goals.

I would point out that the purpose of this act is to help the American merchant marine fleet compete with foreign shipping interests. I must take issue when the competition is so skewed that there is no competition at all. In Guam's case, the Jones Act requires that goods shipped to Guam from other U.S. ports, such as from the west coast, must be carried on American vessels. Guam would rather have the open competition. Yes, subsidize the American carriers, if necessary, to even the playing field, but by all means, do not subsidize and then close the markets. In Guam's case, we have the worst of all worlds.

Because the Guam shipping rates are so high compared to rates to Japan, we are actually in a position to lose business in our port from the United States military to these foreign ports. It is actually cheaper for the United States military to move its supplies to a foreign port and to re-supply United States naval ships from these foreign ports, than it is to ship those same supplies to Guam. In an era of strict budgetary constraints, the Navy's Military Sealift Command is contemplating this very scenario. What happened to national security concerns? What happened to loyalty to American workers in the American port of Guam? Very simply, what happened is that the shippers who receive these subsidies, and who have the captive Guam market because of the Jones Act, have made it impossible for the Navy to operate out of Guam due to their exorbitant shipping rates.

And we Americans who live on Guam are finding it increasingly untenable to be the ones whose shipping rates provide the windfall profits to shipping companies because of Jones Act restrictions.

Mr. Chairman, I can support the shipping subsidies if it helps the fair and open competition. But I would urge Congress to open Guam's market to fair and open competition.

Mr. POMEROY. Mr. Chairman, I rise in support of H.R. 1350, the Maritime Security Act of 1995.

Both our national security and commercial interests are well-served by preserving a viable U.S.-flagged maritime industry. A domestic fleet of ocean-going vessels provides vital sealift capability to our military and ensures that foreign shipping interests do not gain total control over America's foreign trade. For these reasons, all Americans should support the maintenance of a healthy domestic shipping industry.

While the legislation before us today protects the future of our domestic shipping capability, it does so while dramatically reducing costs to the Federal Government. H.R. 1350 reduces operating assistance payments for militarily useful U.S.-flag ships by more than 50 percent, from $225 million annually to $100 million. What's more the bill eliminates outdated and unnecessary rules and regulations which impede the ability of U.S.-flag commercial vessels to compete and to expand and modernize their fleets.

Finally, Mr. Chairman, I am pleased that the committee successfully revised the application of cargo preference requirements for shipments of agriculture commodities under the Public Law 480 Food for Peace Program. The revision will ensure that Great Lakes ports, which are not served by large U.S.-flag vessels, are not precluded from participating in such shipments.

This provision is especially important to North Dakota and the entire upper Midwest because we export a significant amount of agriculture products through Great Lakes ports. As I have said before on this floor, I do not view the interest of domestic shipping agricultural trade as incompatible. H.R. 1350 strikes an important balance that serves the interests of both industries.

I congratulate the chairman of the Armed Services Committee, Mr. SPENCE, and the ranking minority member, Mr. DELLUMS, for bringing this bipartisan legislation to the floor today. The bill was unanimously supported by the Committee on National Security and deserves the support of all Members.

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of H.R. 1350, the Maritime Security Act of 1995, sponsored by the gentleman from South Carolina [Mr. SPENCE] and the gentleman from Virginia [Mr. BATEMAN], and urge my colleagues to support it also.

Mr. Chairman, this year marks the 50th anniversary of the end of World War II. On May 18 and September 2 of this year, all segments of America's Armed Forces were praised and their exploits recounted for the commemoration of the 50th anniversaries of V–E Day and V–J Day, respectfully. One segment that I believe was not given the full credit it deserves was the U.S. merchant marine.

The United States led the free world to victory, in part, because its skilled men and women worked around the clock in America's machine shops and shipyards to produce the vessels needed to carry the critical supplies and ordinance to our fighting men and women overseas. Those ships were all crewed with brave, young American merchant mariners who sailed through thousands of miles of treacherous waters, often unprotected from submarine attacks.

It was America's industrial strength that helped to overwhelm our German and Japanese enemies, though only because American shipyards also supplied the transportation to move it. Between 1941 and 1945, more than 51,000,000 tons of merchant shipping was built by U.S. shipyards, representing some 10,000 Liberty and Victory freighters and T–2 tankers, all U.S. manned and produced by a revolutionary process called prefabrication in which a vessel could be built from start to finish in just 4 days. At the height of the Liberty-building program, shipyards in Baltimore and San Francisco and other port cities were launching three ships a day. Germany's U-boats could not sink such an output at the rate losses were replaced.

We will retain a small part of this industry component if the House votes in favor of H.R. 1350 today. With the enactment of this important legislation, America will have the nucleus of a merchant fleet flying the Stars and Stripes proudly on the fantails of our ships, ready to provide the kind of protection and competition to American shippers who would otherwise be at the mercy of foreign-flag fleets.

With this bill, our Nation will also have a civilian fleet which we can count on during times of both war and peace. Further, it will have a

maritime manpower base and intermodal cargo carrying capability essential to strong sealift under our own control.

Mr. Chairman, I strongly urge my colleagues to support the national security of our country by voting for this bill and manager's amendment to it.

Mr. REED. Mr. Chairman, I rise in strong support of H.R. 1350, the Maritime Security Act of 1995.

As a member of the Merchant Marine and Fisheries Committee and the Subcommittee on Merchant Marine in the 102d and 103d Congresses, I was actively involved in several maritime reform efforts. While that committee no longer exists, I am glad that we are making another attempt to ensure our status as a maritime power.

H.R. 1350 would support a fleet of militarily useful U.S.-flagged commercial vessels and American merchant marines for future needs. It would prevent foreign shipping interests from controlling all U.S. maritime trade. It would reduce the costs of the operating assistance program and eliminate burdensome administrative requirements. H.R. 1350 would also help our Nation's shipyards by encouraging the construction of new vessels here in America.

Throughout my tenure in the House of Representatives, I have been proud to come to the floor and vote in favor of several bills to ensure a vibrant American merchant marine and maritime industry. Such legislation is good for our economy and our national security.

Unfortunately, maritime reform and revitalization efforts failed to get the support of the other Chamber. I would urge my colleagues in the other body to get on board and support our Nation's maritime industry.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of H.R. 1350, the Maritime Security Act of 1995. I commend Chairman SPENCE and the ranking minority member of the National Security Committee, Mr. DELLUMS, for bringing this important bill forward.

The bill makes some much needed and long overdue reforms in Federal maritime programs. Most importantly, the bill replaces the Operational Differential Subsidy [ODS] Program with a new Maritime Security Fleet [MSF] Program within the Transportation Department. The new MSF Program would provide annual payments to U.S.-flag shipping companies who agree to make their vessels available to the Federal Government when needed for national security purposes.

The new MSF Program will allow the United States to maintain a modern merchant fleet, provide sealift for national emergencies, and ensure that America remains a player in ocean transportation and commerce. The MSF Program will provide for a viable United States maritime industry able to provide America with the maritime services necessary to respond to a national security crisis—such as a war in the Persian Gulf or the Korean Peninsula.

Members should note that the MSF Program will provide this service at a program cost significantly less than the current Operating Differential Subsidy Program.

The chairman's amendment includes a provision which reauthorizes and reforms the title XI program to provide Federal loan guarantees to buyers who build vessels in American shipyards. The funds authorized in the bill will provide seed money for as much as $500 million in loan guarantee authority for the construction of commercial vessels in U.S. shipyards.

For every American shipyard job that is created, 10 jobs are created in related industries throughout the country. The title XI loan guarantee program is a successful and necessary initiative.

To fully appreciate the urgent necessity of this program one must fully understand the real world of commercial shipbuilding. The international shipbuilding industry is highly competitive and dominated by nations that heavily subsidize their shipbuilding industries.

The title XI program, time and time again, allows shipbuilding projects in this country to go forward—projects that normally never would have happened without title XI.

At a time when some $20 billion of United States taxpayer money is being used to bail out Mexico, it would be a travesty and a tragedy not to continue a modest program like title XI that creates American jobs and secures our national security.

At the present time there is great pressure on the Congress to cut Federal spending. I agree that Congress should closely review each and every program of the Federal Government. There are certain responsibilities, however, that the Federal Government cannot shirk or shortchange. National security is one of them.

The new Maritime Security Fleet Program authorized in this bill will foster a continuing and effective partnership between the Federal Government and the private sector by utilizing existing industries to provide cost effective sealift, as well as a modern and efficient marine transportation system.

The maintenance of a viable and efficient maritime industry is an essential component of ensuring national security. To cut or eliminate these programs would seriously compromise our national security by compromising the U.S. military's ability to move troops and material to any point on the globe where our interests might be threatened.

Napoleon once said that an army lives on its stomach. That maxim is as true in the high-technology battlefield of 1995 as it was in the 19th century. Modern-day armies need to eat, they need to be transported and they need logistic support to function and to fight. I, for one, do not want to rely on foreign maritime fleets and crews to feed, clothe, and equip American troops during a crisis. That is why we need to pass H.R. 1350.

I urge my colleagues to support H.R. 1350.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of H.R. 1350, the Maritime Security Act of 1995. This legislation preserves a strong U.S. merchant marine and it is vital to our national defense and economy.

In the years immediately following World War II, almost half of the world's commercial fleet sailed under the American flag. Today, while the United States remains the largest trading nation in the world, our merchant marine fleet now ranks 16th in size when compared to other maritime nations. This legislation would begin to reverse this dramatic decline.

H.R. 1350, which was reported unanimously by the Committee on National Security, serves several important purposes. The bill creates a Maritime Security Program which will ensure that the United States has a U.S.-flagged and crewed fleet of militarily useful commercial vessels ready at all times. This fleet will serve our country in peace and in war.

In addition, the Maritime Security Program would significantly reduce the cost of the Federal maritime operating assistance program from a $225 million annual program to a $100 million annual program. Each ship that participates in the program would receive $2.3 million per year for the first year and $2.1 million per year for the remaining 9 years of the program. When fully operational, the program would result in the retention of approximately 50 U.S.-flag vessels which would otherwise shift their operations to foreign flags of convenience with foreign crews.

This is the most sweeping maritime reform program in six decades. It will reduce Federal spending while providing for a modern cost-competitive American maritime fleet which will serve our Nation's economic and military objectives. Furthermore, it will ensure that our American commercial fleet will be crewed by American sailors, the finest crews in the world.

I urge my colleagues to support this important legislation and vote ''yes'' on H.R. 1350.

Mr. BATEMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–375, if offered by the gentleman from South Carolina [Mr. SPENCE], or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 20 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Maritime Security Act of 1995''.

The CHAIRMAN. Are there any amendments to section 1?

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. MARITIME SECURITY PROGRAM.

Title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.) is amended—

(1) by striking the title heading and inserting the following:

''TITLE VI—VESSEL OPERATING ASSISTANCE PROGRAMS

''Subtitle A—Operating-Differential Subsidy Program'';

and

(2) by adding at the end the following new subtitle:

''Subtitle B—Maritime Security Fleet Program

''ESTABLISHMENT OF FLEET

''SEC. 651. (a) IN GENERAL.—The Secretary of Transportation shall establish a fleet of active, militarily useful, privately-owned vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. The Fleet shall consist of privately owned, United States-flag vessels for which there are in effect operating agreements under this subtitle, and shall be known as the Maritime Security Fleet.

''(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if the vessel is self-propelled and—

''(1)(A) is operated by a person as an ocean common carrier (as that term is used in the Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.));

''(B) whether in commercial service, on charter to the Department of Defense, or in other employment, is either—

''(i) a roll-on/roll-off vessel with a carrying capacity of at least 80,000 square feet or 500 twenty-foot equivalent units; or

''(ii) a lighter aboard ship vessel with a barge capacity of at least 75 barges; or

''(C) any other type of vessel that is determined by the Secretary to be suitable for use by the United States for national defense or military purposes in time of war or national emergency;

''(2)(A)(i) is a United States-documented vessel; and

''(ii) on the date an operating agreement covering the vessel is entered into under this subtitle, is—

''(I) a LASH vessel that is 25 years of age or less; or

''(II) any other type of vessel that is 15 years of age or less;

except that the Secretary of Transportation may waive the application of clause (ii) if the Secretary, in consultation with the Secretary of Defense, determines that the waiver is in the national interest; or

''(B) it is not a United States-documented vessel, but the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of title 46, United States Code, if it is included in the Fleet, and the vessel will be less than 10 years of age on the date of that documentation;

''(3) the Secretary of Transportation determines that the vessel is necessary to maintain a United States presence in international commercial shipping or, after consultation with the Secretary of Defense, determines that the vessel is militarily useful for meeting the sealift needs of the United States with respect to national emergencies; and

''(4) at the time an operating agreement for the vessel is entered into under this subtitle, the vessel will be eligible for documentation under chapter 121 of title 46, United States Code.

''OPERATING AGREEMENTS

''SEC. 652. (a) IN GENERAL.—The Secretary of Transportation shall require, as a condition of including any vessel in the Fleet, that the owner or operator of the vessel enter into an operating agreement with the Secretary under this section. Notwithstanding subsection (g), the Secretary may enter into an operating agreement for, among other vessels that are eligible to be included in the Fleet, any vessel which continues to operate under an operating-differential subsidy contract under subtitle A or which is under charter to the Department of Defense.

''(b) REQUIREMENTS FOR OPERATION.—An operating agreement under this section shall require that, during the period a vessel is operating under the agreement—

''(1) the vessel—

''(A) shall be operated exclusively in the foreign trade or in mixed foreign and domestic trade allowed under a registry endorsement issued under section 12105 of title 46, United States Code, and

''(B) shall not otherwise be operated in the coastwise trade; and

''(2) the vessel shall be documented under chapter 121 of title 46, United States Code.

''(c) CERTAIN REQUIREMENTS NOT TO APPLY.—A contractor of a vessel included in an operating agreement under this subtitle may operate the vessel in the foreign commerce of the United States without restriction, and shall not be subject to any requirement under section 801, 808, 809, or 810.

''(d) EFFECTIVENESS AND ANNUAL PAYMENT REQUIREMENTS OF OPERATING AGREEMENTS.—

''(1) EFFECTIVENESS.—The Secretary of Transportation may enter into an operating agreement under this subtitle for fiscal year 1996. The agreement shall be effective only for 1 fiscal year, but shall be renewable, subject to the availability of appropriations, for each subsequent fiscal year through the end of fiscal year 2005.

''(2) ANNUAL PAYMENT.—An operating agreement under this subtitle shall require, subject to the availability of appropriations and the other provisions of this section, that the Secretary of Transportation pay each fiscal year to the contractor, for each vessel that is covered by the operating agreement, an amount equal to $2,300,000 for fiscal year 1996 and $2,100,000 for each fiscal year thereafter in which the agreement is in effect. The amount shall be paid in equal monthly installments at the end of each month. The amount shall not be reduced except as provided by this section.

''(e) CERTIFICATION REQUIRED FOR PAYMENT.—As a condition of receiving payment under this section for a fiscal year for a vessel, the owner or operator of the vessel shall certify, in accordance with regulations issued by the Secretary of Transportation, that the vessel has been and will be operated in accordance with subsection (b)(1) for at least 320 days in the fiscal year. Days during which the vessel is drydocked, surveyed, inspected, or repaired shall be considered days of operation for purposes of this subsection.

''(f) OPERATING AGREEMENT IS OBLIGATION OF UNITED STATES GOVERNMENT.—An operating agreement under this subtitle constitutes a contractual obligation of the United States Government to pay the amounts provided for in the agreement to the extent of actual appropriations.

''(g) LIMITATIONS.—The Secretary of Transportation shall not make any payment under this subtitle for a vessel with respect to any days for which the vessel is—

''(1) subject to an operating-differential subsidy contract under subtitle A or under a charter to the United States Government, other than a charter pursuant to section 653;

''(2) not operated or maintained in accordance with an operating agreement under this subtitle; or

''(3) more than 25 years of age, except that the Secretary may make such payments for a LASH vessel for any day for which the vessel is more than 25 years of age if that vessel—

''(A) is modernized after January 1, 1994,

''(B) is modernized before it is 25 years of age, and

''(C) is not more than 30 years of age.

''(h) PAYMENTS.—With respect to payments under this subtitle for a vessel covered by an operating agreement, the Secretary of Transportation—

''(1) except as provided in paragraph (2), shall not reduce any payment for the operation of a vessel to carry military or other preference cargoes under section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 App. U.S.C. 1241–1), section 901(a), 901(b), or 901b of this Act, or any other cargo preference law of the United States;

''(2) shall not make any payment for any day that a vessel is engaged in transporting more than 7,500 tons of civilian bulk preference cargoes pursuant to section 901(a), 901(b), or 901b that is bulk cargo (as that term is defined in section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702)); and

''(3) shall make a pro rata reduction in payment for each day less than 320 in a fiscal year that a vessel covered by an operating agreement is not operated in accordance with subsection (b)(1), with days during which the vessel is drydocked or undergoing survey, inspection, or repair considered to be days on which the vessel is operated.

''(i) PRIORITY FOR AWARDING AGREEMENTS.—Subject to the availability of appropriations, the Secretary shall enter into operating agreements according to the following priority:

''(1) VESSELS OWNED BY CITIZENS.—

''(A) PRIORITY.—First, for any vessel that is—

''(i) owned and operated by persons who are citizens of the United States under section 2 of the Shipping Act, 1916; or

''(ii) less than 10 years of age and owned and operated by a corporation that is—

''(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

''(II) affiliated with a corporation operating or managing for the Secretary of Defense other vessels documented under that chapter, or chartering other vessels to the Secretary of Defense.

''(B) LIMITATION ON NUMBER OF OPERATING AGREEMENTS.—The total number of operating agreements that may be entered into by a person under the priority in subparagraph (A)—

''(i) for vessels described in subparagraph (A)(i), may not exceed the sum of—

''(I) the number of United States-documented vessels the person operated in the foreign commerce of the United States (except mixed coastwise and foreign commerce) on May 17, 1995; and

''(II) the number of United States-documented vessels the person chartered to the Secretary of Defense on that date; and

''(ii) for vessels described in subparagraph (A)(ii), may not exceed 5 vessels.

''(C) TREATMENT OF RELATED PARTIES.—For purposes of subparagraph (B), a related party with respect to a person shall be treated as the person.

''(2) OTHER VESSELS OWNED BY CITIZENS AND GOVERNMENT CONTRACTORS.—To the extent that amounts are available after applying paragraph (1), any vessel that is owned and operated by a person who is—

''(A) a citizen of the United States under section 2 of the Shipping Act, 1916, that has not been awarded an operating agreement under the priority established under paragraph (1); or

''(B)(i) eligible to document a vessel under chapter 121 of title 46, United States Code; and

''(ii) affiliated with a corporation operating or managing other United States-documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense.

''(3) OTHER VESSELS.—To the extent that amounts are available after applying paragraphs (1) and (2), any other eligible vessel.

''(j) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any person eligible to enter into that operating agreement under this subtitle after notification of the Secretary in accordance with regulations prescribed by the Secretary, unless the transfer is disapproved by the Secretary within 90 days after

the date of that notification. A person to whom an operating agreement is transferred may receive payments from the Secretary under the agreement only if each vessel to be covered by the agreement after the transfer is an eligible vessel under section 651(b).

''(k) REVERSION OF UNUSED AUTHORITY.—The obligation of the Secretary to make payments under an operating agreement under this subtitle shall terminate with respect to a vessel if the contractor fails to engage in operation of the vessel for which such payment is required—

''(1) within one year after the effective date of the operating agreement, in the case of a vessel in existence on the effective date of the agreement, or

''(2) within 30 months after the effective date of the operating agreement, in the case of a vessel to be constructed after that effective date.

''(l) PROCEDURE FOR CONSIDERING APPLICATION; EFFECTIVE DATE FOR CERTAIN VESSELS.—

''(1) PROCEDURES.—Within 90 days after receipt of an application for enrollment of a vessel in the Fleet, the Secretary shall enter into an operating agreement with the applicant or provide in writing the reason for denial of that application.

''(2) EFFECTIVE DATE.—Unless an earlier date is requested by the applicant, the effective date for an operating agreement with respect to a vessel which is, on the date of entry into an operating agreement, either subject to a contract under subtitle A or on charter to the United States Government, other than a charter under section 653, shall be the expiration or termination date of the contract under subtitle A or of the Government charter covering the vessel, respectively, or any earlier date the vessel is withdrawn from that contract or charter.

''(m) EARLY TERMINATION.—An operating agreement under this subtitle shall terminate on a date specified by the contractor if the contractor notifies the Secretary, by not later than 60 days before the effective date of the termination, that the contractor intends to terminate the agreement. Vessels covered by an operating agreement terminated under to this subsection shall remain documented under chapter 121 of title 46, United States Code, until the date the operating agreement would have terminated according to its terms. A contractor who terminates an operating agreement pursuant to this subsection shall continue to be bound by the provisions of section 653 until the date the operating agreement would have terminated according to its terms. All terms and conditions of an Emergency Preparedness Agreement entered into under to section 653 shall remain in effect until the date the operating agreement would have terminated according to its terms, except that the terms of such Emergency Preparedness Agreement may be modified by the mutual consent of the contractor and the Secretary of Transportation.

''(n) TERMINATION FOR LACK OF FUNDS.—If funds are not appropriated under the authority provided by section 655 for any fiscal year, then each vessel covered by an operating agreement under this subtitle is thereby released from any further obligation under the operating agreement, the operating agreement shall terminate, and the vessel owner or operator may transfer and register such vessel under an effective United States-controlled foreign flag, notwithstanding any other provision of law. If section 902 is applicable to such vessel after registry under an effective United States-controlled foreign flag, the vessel is available to be requisitioned by the Secretary of Transportation pursuant to section 902.

''(o) AWARD OF OPERATING AGREEMENTS.—

''(1) IN GENERAL.—The Secretary of Transportation, subject to paragraph (4), shall award operating agreements within each priority under subsection (i)(1), (2), and (3) under regulations prescribed by the Secretary.

''(2) NUMBER OF AGREEMENTS AWARDED.—Regulations under paragraph (1) shall provide that if appropriated amounts are not sufficient for operating agreements for all vessels within a priority under subsection (i)(1), (2), or (3), the Secretary shall award to each person submitting a request a number of operating agreements that bears approximately the same ratio to the total number of vessels in the priority, as the amount of appropriations available for operating agreements for vessels in the priority bears to the amount of appropriations necessary for operating agreements for all vessels in the priority.

''(3) TREATMENT OF RELATED PARTIES.—For purposes of paragraph (2), a related party with respect to a person shall be treated as the person.

''(4) PREFERENCE FOR U.S.-BUILT VESSELS.—In awarding operating agreements for vessels within a priority under subsection (i) (1), (2), or (3), the Secretary shall give preference to a vessel that was constructed in the United States, to the extent such preference is consistent with establishment of a fleet described in the first sentence of section 651(a) (taking into account the age of the vessel, the nature of service provided by the vessel, and the commercial viability of the vessel).

''(p) NOTICE TO U.S. SHIPBUILDERS REQUIRED.—The Secretary shall include in any operating agreement under this subtitle a requirement that the contractor under the agreement shall, by not later than 30 days after soliciting any bid or offer for the construction of any vessel in a foreign shipyard and before entering into a contract for construction of a vessel in a foreign shipyard, provide notice of the intent of the contractor to enter into such a contract to each shipyard in the United States that is capable of constructing the vessel.

''NATIONAL SECURITY REQUIREMENTS

''SEC. 653. (a) EMERGENCY PREPAREDNESS AGREEMENT.—

''(1) REQUIREMENT TO ENTER AGREEMENT.—The Secretary of Transportation shall establish an Emergency Preparedness Program under this section that is approved by the Secretary of Defense. Under the program, the Secretary of Transportation shall include in each operating agreement under this subtitle a requirement that the contractor enter into an Emergency Preparedness Agreement under this section with the Secretary. The Secretary shall negotiate and enter into an Emergency Preparedness Agreement with each contractor as promptly as practicable after the contractor has entered into an operating agreement under this subtitle.

''(2) TERMS OF AGREEMENT.—An Emergency Preparedness Agreement under this section shall require that upon a request by the Secretary of Defense during time of war or national emergency, an owner or operator of a vessel covered by an operating agreement under this subtitle shall make available commercial transportation resources (including services). The basic terms of the Emergency Preparedness Agreement shall be established pursuant to consultations among the Secretary, the Secretary of Defense, and Maritime Security Program contractors. In any Emergency Preparedness Agreement, the Secretary and a contractor may agree to additional or modifying terms appropriate to the contractor's circumstances.

''(b) RESOURCES MADE AVAILABLE.—The commercial transportation resources to be made available under an Emergency Preparedness Agreement shall include vessels or capacity in vessels, intermodal systems and equipment, terminal facilities, intermodal and management services, and other related services, or any agreed portion of such nonvessel resources for activation as the Secretary may determine to be necessary, seeking to minimize disruption of the contractor's service to commercial shippers.

''(c) COMPENSATION.—

''(1) IN GENERAL.—The Secretary of Transportation shall provide in each Emergency Preparedness Agreement for reasonable compensation for all commercial transportation resources provided pursuant to this section.

''(2) SPECIFIC REQUIREMENTS.—Compensation under this subsection—

''(A) shall not be less than the contractor's commercial market charges for like transportation resources;

''(B) shall include all the contractor's costs associated with provision and use of the contractor's commercial resources to meet emergency requirements;

''(C) in the case of a charter of an entire vessel, shall be fair and reasonable;

''(D) shall be in addition to and shall not in any way reflect amounts payable under section 652; and

''(E) shall be provided from the time that a vessel or resource is diverted from commercial service until the time that reenters commercial service.

''(d) TEMPORARY REPLACEMENT VESSELS.—Notwithstanding any other provision of this subtitle or of other law to the contrary—

''(1) a contractor may operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity, as a temporary replacement for a United States-documented vessel or United States-documented vessel capacity that is activated under an Emergency Preparedness Agreement; and

''(2) such replacement vessel or vessel capacity shall be eligible during the replacement period to transport preference cargoes subject to section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 App. U.S.C. 1241–1), and sections 901(a), 901(b), and 901b of this Act to the same extent as the eligibility of the vessel or vessel capacity replaced.

''(e) REDELIVERY AND LIABILITY OF U.S. FOR DAMAGES.—

''(1) IN GENERAL.—All commercial transportation resources activated under an Emergency Preparedness Agreement shall, upon termination of the period of activation, be redelivered to the contractor in the same good order and condition as when received, less ordinary wear and tear, or the Government shall fully compensate the contractor for any necessary repair or replacement.

''(2) LIMITATION ON LIABILITY OF U.S.—Except as may be expressly agreed to in an Emergency Preparedness Agreement, or as otherwise provided by law, the Government shall not be liable for disruption of a contractor's commercial business or other consequential damages to a contractor arising from activation of commercial transportation resources under an Emergency Preparedness Agreement.

''(3) LIMITATION ON APPLICATION OF OTHER REQUIREMENTS.—Sections 902 and 909 of this Act shall not apply to a vessel while it is covered by an Emergency Preparedness Agreement under this subtitle. Any Emergency Preparedness Agreement entered into by a contractor shall supersede any other agreement between that contractor and the Government for vessel availability in time of war or national emergency.

''DEFINITIONS

''SEC. 654. In this subtitle:

''(1) FLEET.—The term 'Fleet' means the Maritime Security Fleet established pursuant to section 651(a).

''(2) LASH VESSEL.—The term 'LASH vessel' means a lighter aboard ship vessel.

''(3) UNITED STATES-DOCUMENTED VESSEL.—The term 'United States-documented vessel' means a vessel documented under chapter 121 of title 46, United States Code.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 655. There are authorized to be appropriated for operating agreements under this subtitle, to remain available until expended, $100,000,000 for fiscal year 1996 and such sums as may be necessary, not to exceed $100,000,000, for each fiscal year thereafter through fiscal year 2005.''.

SEC. 3. TERMINATION OF OPERATING-DIFFERENTIAL SUBSIDY PROGRAM.

(a) LIMITATION ON PAYMENTS FOR OLDER VESSELS.—Section 605(b) of the Merchant Marine

Act, 1936 (46 App. U.S.C. 1175(b)), is amended to read as follows:

''(b) No operating-differential subsidy shall be paid for the operation of a vessel after the calendar year the vessel becomes 25 years of age, unless the Secretary of Transportation has determined, before the date of enactment of the Maritime Security Act of 1995, that it is in the public interest to grant such financial aid for the operation of such vessel.''.

(b) WIND-UP OF PROGRAM.—Subtitle A of such Act (46 App. U.S.C. 1171 et seq.), as designated by the amendment made by section 2(1), is further amended by adding at the end the following new section:

''SEC. 616. (a) After the date of enactment of the Maritime Security Act of 1995, the Secretary of Transportation shall not enter into any new contract for operating-differential subsidy under this subtitle.

''(b) Notwithstanding any other provision of this Act, any operating-differential subsidy contract in effect under this title on the day before the date of enactment of the Maritime Security Act of 1995 shall continue in effect and terminate as set forth in the contract, unless voluntarily terminated at an earlier date by the parties (other than the United States Government) to the contract.

''(c) The essential service requirements of section 601(a) and 603(b), and the provisions of sections 605(c) and 809(a), shall not apply to the operating-differential subsidy program under this subtitle effective upon the earlier of—

''(1) the date that a payment is made, under the Maritime Security Program established by subtitle B to a contractor under that subtitle who is not party to an operating-differential subsidy contract under this subtitle, with the Secretary to cause notice of the date of such payment to be published in the Federal Register as soon as possible; or

''(2) with respect to a particular contractor under the operating-differential subsidy program, the date that contractor enters into a contract with the Secretary under the Maritime Security Program established by subtitle B.

''(d)(1) Notwithstanding any other provision of law, a vessel may be transferred and registered under an effective United States-controlled foreign flag if—

''(A) the operator of the vessel receives an operating-differential subsidy pursuant to a contract under this subtitle which is in force on October 1, 1994, and the Secretary approves the replacement of such vessel with a comparable vessel, or

''(B) the vessel is covered by an operating agreement under subtitle B, and the Secretary approves the replacement of such vessel with a comparable vessel for inclusion in the Maritime Security Fleet established under subtitle B.

''(2) Any such vessel may be requisitioned by the Secretary of Transportation pursuant to section 902.''.

SEC. 4. DOMESTIC OPERATIONS.

Section 805(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1223(a)) is amended by striking ''1935'' each place it appears and inserting ''1995''.

SEC. 5. USE OF FOREIGN-FLAG VESSELS.

(a) IN GENERAL.—Section 804 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1222) is amended by adding at the end the following new subsection:

''(f) The provisions of subsection (a) shall not preclude a contractor receiving assistance under subtitle A or B of title VI, or any holding company, subsidiary, or affiliate of the contractor, or any officer, director, agent, or executive thereof, from—

''(1) owning, chartering, or operating any foreign-flag vessel on a voyage or a segment of a voyage that does not call at a port in the United States;

''(2) owning, chartering, or operating any foreign-flag vessel in line haul service between the United States and foreign ports if—

''(A) the foreign-flag vessel was operated by, or is a replacement for a foreign-flag vessel operated by, such owner or operator, or any holding company, subsidiary, affiliate, or associate of such owner or operator, on the date of enactment of the Maritime Security Act of 1995;

''(B) the owner or operator, with respect to each additional foreign-flag vessel, other than a time chartered vessel, has first applied to have that vessel covered by an operating agreement under subtitle B of title VI, and the Secretary has not awarded an operating agreement with respect to that vessel within 90 days after the filing of the application; or

''(C) the vessel has been placed under foreign documentation pursuant to section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), except that any foreign-flag vessel, other than a time chartered vessel, a replacement vessel under section 653(d), or a vessel operated by the owner or operator on the date of enactment of the Maritime Security Act of 1995, in line haul service between the United States and foreign ports is registered under the flag of an effective United States-controlled foreign flag, and available to be requisitioned by the Secretary of Transportation pursuant to section 902 of this Act;

''(3) owning, chartering, or operating foreign-flag bulk cargo vessels that are operated in foreign-to-foreign service or the foreign commerce of the United States;

''(4) chartering or operating foreign-flag vessels that are operated solely as replacement vessels for United States-flag vessels or vessel capacity that are made available to the Secretary of Defense pursuant to section 653 of this Act; or

''(5) entering into time or space charter or other cooperative agreements with respect to foreign-flag vessels or acting as agent or broker for a foreign-flag vessel or vessels.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to a contractor under subtitle B of title VI of the Merchant Marine Act, 1936, as amended by this Act, upon enactment of this Act, and shall apply to a contractor under subtitle A of title VI of that Act, upon the earlier of—

(1) the date that a payment is made, under the Maritime Security Program under subtitle B of that title to a contractor under subtitle B of that title who is not party to an operating-differential subsidy contract under subtitle A of that title, with the Secretary of Transportation to cause notice of the date of such payment to be published in the Federal Register as soon as possible; or

(2) with respect to a particular contractor under the operating-differential subsidy program under subtitle A of that title, the date that contractor enters into a contract with the Secretary under the Maritime Security Program established by subtitle B of that title.

SEC. 6. AMENDMENT TO SHIPPING ACT, 1916.

Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended by adding at the end the following:

''(e) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into with the Secretary of Transportation under that Act, a vessel may be placed under a foreign registry, without approval of the Secretary, if—

''(1)(A) the Secretary determines that at least one replacement vessel of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under the foreign registry; and

''(B) the replacement vessel is not more than 10 years of age on the date of that documentation;

''(2)(A) an application for an operating agreement under subtitle B of title VI of the Merchant Marine Act, 1936 has been filed with respect to a vessel which is eligible to be included in the Maritime Security Fleet under section 651(b)(1) of that Act; and

''(B) the Secretary has not awarded an operating agreement with respect to that vessel within 90 days after the date of that application;

''(3) a contract covering the vessel under subtitle A of title VI of the Merchant Marine Act, 1936 has expired, and that vessel is more than 15 years of age on the date the contract expires; or

''(4) an operating agreement covering the vessel under subpart B of title VI of the Merchant Marine Act, 1936 has expired.''.

SEC. 7. CONSTRUCTION DIFFERENTIAL SUBSIDY RESTRICTIONS.

Title V of the Merchant Marine Act, 1936 (46 App. U.S.C. 1151 et seq.) is amended by adding at the end the following new section:

''SEC. 512. LIMITATION ON RESTRICTIONS.

''Notwithstanding any other provision of law or contract, all restrictions and requirements under sections 503, 506, and 802 applicable to a liner vessel constructed, reconstructed, or reconditioned with the aid of construction-differential subsidy shall terminate upon the expiration of the 25-year period beginning on the date of the original delivery of the vessel from the shipyard.''.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—The Secretary of Transportation may prescribe rules as necessary to carry out this Act and the amendments made by this Act.

(b) INTERIM RULES.—The Secretary of Transportation may prescribe interim rules necessary to carry out this Act and the amendments made by this Act. For this purpose, the Secretary of Transportation is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All rules prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire no later than 270 day after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer an amendment, printed in House Report 104–375.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BATEMAN:

Page 5, strike lines 18 through 23, and insert the following:

''(c) REGULATORY RELIEF.—A contractor of a vessel included in an operating agreement under this subtitle may operate the vessel in the foreign commerce of the United States without restriction, and shall not be subject to any requirement under section 801, 808, 809, or 810. Participation in the program established by this subtitle shall not subject a contractor to section 805 or to any provision of subtitle A.''

Page 13, line 24, insert before the period the following: ''and the Secretary of Defense''.

Page 14, strike lines 1 through 13, and insert the following:

''(n) NONRENEWAL FOR LACK OF FUNDS.—If, by the first day of a fiscal year, sufficient funds have not been appropriated under the authority provided by section 655 for that fiscal year, the Secretary of Transportation shall notify the Congress that operating agreements authorized under this subtitle for which sufficient funds are not available will not be renewed for that fiscal year if sufficient funds are not appropriated by the 60th day of that fiscal year. If funds are not appropriated under the authority provided by section 655 for any fiscal year by the 60th day of that fiscal year, then each vessel covered by an operating agreement under this subtitle for which funds are not available is

thereby released from any further obligation under the operating agreement, and the vessel owner or operator may transfer and register such vessel under a foreign registry deemed acceptable by the Secretary of Transportation, notwithstanding any other provision of law. If section 902 is applicable to such vessel after registration of the vessel under such a registry, the vessel is available to be requisitioned by the Secretary of Transportation pursuant to section 902.''

Page 16, strike line 21 and all that follows through line 8 on page 17, and insert the following:

''(2) TERMS OF AGREEMENT.—An Emergency Preparedness Agreement under this section shall require that upon a request by the Secretary of Defense during time of war or national emergency, or whenever determined by the Secretary of Defense to be necessary for national security (including any natural disaster, international peace operation, or contingency operation (as that term is defined in section 101 of title 10, United States Code)), a contractor for a vessel covered by an operating agreement under this subtitle shall make available commercial transportation resources (including services). The basic terms of the Emergency Preparedness Agreements shall be established pursuant to consultations among the Secretary, the Secretary of Defense, and Maritime Security Program contractors. In any Emergency Preparedness Agreement, the Secretary and a contractor may agree to additional or modifying terms appropriate to the contractor's circumstances if those terms have been approved by the Secretary of Defense.

''(3) PARTICIPATION AFTER EXPIRATION OF OPERATING AGREEMENT.—Except as provided by section 652(m), the Secretary may not require, through an Emergency Preparedness Agreement or operating agreement, that a contractor continue to participate in an Emergency Preparedness Agreement when the operating agreement with the contractor has expired according to its terms or is otherwise no longer in effect. After expiration of an Emergency Preparedness Agreement, a contractor may volunteer to continue to participate in such an agreement.''

Page 18, after line 16, insert the following:

''(3) APPROVAL OF AMOUNT BY SECRETARY OF DEFENSE.—No compensation may be provided for a vessel under this subsection unless the amount of the compensation is approved by the Secretary of Defense.''

Page 20, strike lines 10 through 19, and insert the following:

''DEFINITIONS

''SEC. 654. In this subtitle:

''(1) BULK CARGO.—The term 'bulk cargo' means cargo that is loaded and carried in bulk without mark or count.

''(2) CONTRACTOR.—The term 'contractor' means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary of Transportation under section 652.

''(3) OCEAN COMMON CARRIER.—The term 'ocean common carrier' means a person holding itself out to the general public to operate vessels to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation, that—

''(A) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination, and

''(B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country, except that the term does not include a common carrier engaged in ocean transportation by ferry boat, ocean tramp, or chemical parcel-tanker. As used in this paragraph, 'chemical parcel-tanker' means a vessel whose cargo-carrying capability consists of individual cargo tanks for bulk chemicals that are a permanent part of the vessel, that have segregation capability with piping systems to permit simultaneous carriage of several bulk chemical cargoes with minimum risk of cross-contamination, and that has a valid certificate of fitness under the International Maritime Organization Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk.

''(4) FLEET.—The term 'Fleet' means the Maritime Security Fleet established pursuant to section 651(a).

''(5) LASH VESSEL.—The term 'LASH vessel' means a lighter aboard ship vessel.

''(6) UNITED STATES-DOCUMENTED VESSEL.—The term 'United States-documented vessel' means a vessel documented under chapter 121 of title 46, United States Code.''

Page 23, strike lines 10 through 13, and insert the following:

SEC. 4. DOMESTIC OPERATIONS.

(a) IN GENERAL.—Subtitle B of title VI of the Merchant Marine Act, 1936, as amended by section 102 of this title, is further amended by adding at the end the following new section:

''NONCONTIGUOUS DOMESTIC TRADES

''SEC. 656. (a)(1) Except as otherwise provided in this section, no contractor or related party shall receive payments pursuant to this subtitle during a period when it participates in a noncontiguous domestic trade, except upon written permission of the Secretary of Transportation. Such written permission shall also be required for any material change in the number or frequency of sailings, the capacity offered, or the domestic ports called by a contractor or related party in a noncontiguous domestic trade. The Secretary may grant such written permission pursuant to written application of such contractor or related party unless the Secretary finds that—

''(A) existing service in that trade is adequate; or

''(B) the service sought to be provided by the contractor or related party—

''(i) would result in unfair competition to any other person operating vessels in such noncontiguous domestic trade, or

''(ii) would be contrary to the objects and policy of this Act.

''(2) For purposes of this subsection, 'written permission of the Secretary' means permission which states the capacity offered, the number and frequency of sailings, and the domestic ports called, and which is granted following—

''(A) written application containing the information required by paragraph (e)(1) by a person seeking such written permission, notice of which application shall be published in the Federal Register within 15 days of filing of such application with the Secretary;

''(B) holding of a hearing on the application under section 554 of title 5, United States Code, in which every person, firm or corporation having any interest in the application shall be permitted to intervene and be heard; and

''(C) final decision on the application by the Secretary within 120 days following conclusion of such hearing.

''(b) Subsection (a) shall not apply in any way to provision by a contractor of service within the level of service provided by that contractor as of the date established by subsection (c) or to provision of service permitted by subsection (d).

''(c) The date referred to in subsection (b) shall be August 9, 1995: *Provided, however,* That with respect to tug and barge service to Alaska the date referred to in subsection (b) shall be July 1, 1992.

''(d) A contractor may provide service in a trade in addition to the level of service provided as of the applicable date established by subsection (c) in proportion to the annual increase in real gross product of the noncontiguous State or Commonwealth served since the applicable date established by subsection (c).

''(e)(1) A person applying for award of an agreement under this subtitle shall include with the application a description of the level of service provided by that person in each noncontiguous domestic trade served as of the date applicable under subsection (c). The application also shall include, for each such noncontiguous domestic trade: a list of vessels operated by that person in such trade, their container carrying capacity expressed in twenty-foot equivalent units (TEUs) or other carrying capacity, the itinerary for each such vessel, and such other information as the Secretary may require by regulation. Such description and information shall be made available to the public. Within 15 days of the date of an application for an agreement by a person seeking to provide service pursuant to subsections (b) and (c) of this section, the Secretary shall cause to be published in the Federal Register notice of such description, along with a request for public comment thereon. Comments on such description shall be submitted to the Secretary within 30 days of publication in the Federal Register. Within 15 days after receipt of comments, the Secretary shall issue a determination in writing either accepting, in whole or part, or rejecting use of the applicant's description to establish the level of service provided as of the date applicable under subsection (c): *Provided,* That notwithstanding the provisions of this subsection, processing of the application for an award of an agreement shall not be suspended or delayed during the time in which comments may be submitted with respect to the determination or during the time prior to issuance by the Secretary of the required determination: *Provided further,* That if the Secretary does not make the determination required by this paragraph within the time provided by this paragraph, the description of the level of service provided by the applicant shall be deemed to be the level of service provided as of the applicable date until such time as the Secretary makes the determination.

''(2) No contractor shall implement the authority granted in subsection (d) of this section except as follows:

''(A) An application shall be filed with the Secretary which shall state the increase in capacity sought to be offered, a description of the means by which such additional capacity would be provided, the basis for applicant's position that such increase in capacity would be in proportion to or less than the increase in real gross product of the relevant noncontiguous State or Commonwealth since the applicable date established by subsection (c), and such information as the Secretary may require so that the Secretary may accurately determine such increase in real gross product of the relevant noncontiguous State or Commonwealth.

''(B) Such increase in capacity sought by applicant and such information shall be made available to the public.

''(C) Within 15 days of the date of an application pursuant to this paragraph the Secretary shall cause to be published in the Federal Register notice of such application, along with a request for public comment thereon.

''(D) Comments on such application shall be submitted to the Secretary within 30 days of publication in the Federal Register.

''(E) Within 15 days after receipt of comments, the Secretary shall issue a determination in writing either accepting, in

whole or part, or rejecting, the increase in capacity sought by the applicant as being in proportion to or less than the increase in real gross product of the relevant noncontiguous State or Commonwealth since the applicable date established by subsection (c): *Provided,* That, notwithstanding the provisions of this section, if the Secretary does not make the determination required by this paragraph within the time provided by this paragraph, the increase in capacity sought by applicant shall be permitted as being in proportion to or less than such increase in real gross product until such time as the Secretary makes the determination.

''(f) With respect to provision by a contractor of service in a noncontiguous domestic trade not authorized by this section, the Secretary shall deny payments under the operating agreement with respect to the period of provision of such service but shall deny payments only in part if the extent of provision of such unauthorized service was de minimis or not material.

''(g) Notwithstanding any other provision of this subtitle, the Secretary may issue temporary permission for any United States citizen, as that term is defined in section 2 of the Shipping Act, 1916, to provide service to a noncontiguous State or Commonwealth upon the request of the Governor of such noncontiguous State or Commonwealth, in circumstances where an Act of God, a declaration of war or national emergency, or any other condition occurs that prevents ocean transportation service to such noncontiguous State or Commonwealth from being provided by persons currently providing such service. Such temporary permission shall expire 90 days from date of grant, unless extended by the Secretary upon written request of the Governor of such State or Commonwealth.

''(h) As used in this section:

''(1) The term 'level of service provided by a contractor' in a trade as of a date means—

''(A) with respect to service other than service described in (B), the total annual capacity provided by the contractor in that trade for the 12 calendar months preceding that date: *Provided,* That, with respect to unscheduled, contract carrier tug and barge service between points in Alaska south of the Arctic Circle and points in the contiguous 48 States, the level of service provided by a contractor shall include 100 percent of the capacity of the equipment dedicated to such service on the date specified in subsection (c) and actually utilized in that service in the two-year period preceding that date, excluding service to points between Anchorage, Alaska and Whittier, Alaska, served by common carrier service unless such unscheduled service is only for carriage of oil or pursuant to a contract with the United States military: *Provided further,* That, with respect to scheduled barge service between the contiguous 48 States and Puerto Rico, such total annual capacity shall be deemed as such total annual capacity plus the annual capacity of two additional barges, each capable of carrying 185 trailers and 100 automobiles; and

''(B) with respect to service provided by container vessels, the overall capacity equal to the sum of—

''(i) 100 percent of the capacity of vessels operated by or for the contractor on that date, with the vessels' configuration and frequency of sailing in effect on that date, and which participate solely in that noncontiguous domestic trade; and

''(ii) 75 percent of the capacity of vessels operated by or for the contractor on that date, with the vessels' configuration and frequency of sailing in effect on that date, and which participate in that noncontiguous domestic trade and in another trade, provided that the term does not include any restriction on frequency, or number of sailings, or on ports called within such overall capacity.

''(2) The level of service set forth in paragraph (1) shall be described with the specificity required by subsection (e)(1) and shall be the level of service in a trade with respect to the applicable date established by subsection (c) only if the service is not abandoned thereafter, except for interruptions due to military contingency or other events beyond the contractor's control.

''(3) The term 'participates in a noncontiguous domestic trade' means directly or indirectly owns, charters, or operates a vessel engaged in transportation of cargo between a point in the contiguous 48 states and a point in Alaska, Hawaii, or Puerto Rico, other than a point in Alaska north of the Arctic Circle.

''(4) The term 'related party' means—

''(A) a holding company, subsidiary, affiliate, or associate of a contractor who is a party to an operating agreement under this subtitle; and

''(B) an officer, director, agent, or other executive of a contractor or of a person referred to in subparagraph (A).''.

(b) CONFORMING AMENDMENT.—Section 805 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1223) is amended—

(1) by striking ''title VI of this Act'' each place it appears and inserting ''subtitle A of title VI of this Act''; and

(2) by striking ''under title VI'' each place it appears and inserting ''under subtitle A of title VI''.

Page 28, after line 26, add the following new sections:

SEC. 9. MERCHANT SHIP SALES ACT OF 1946 AMENDMENT.

Section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744) is amended as follows:

(1) In subsection (b)(2) by striking ''Secretary of the Navy,'' and inserting ''Secretary of Defense,''.

(2) By striking subsection (c) and redesignating subsection (d) as subsection (c).

SEC. 10. REEMPLOYMENT RIGHTS FOR CERTAIN MERCHANT SEAMEN.

(a) IN GENERAL.—Title III of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131) is amended by inserting after section 301 the following new section:

''SEC. 302. (a) An individual who is certified by the Secretary of Transportation under subsection (c) shall be entitled to reemployment rights and other benefits substantially equivalent to the rights and benefits provided for by chapter 43 of title 38, United States Code, for any member of a Reserve component of the Armed Forces of the United States who is ordered to active duty.

''(b) An individual may submit an application for certification under subsection (c) to the Secretary of Transportation not later than 45 days after the date the individual completes a period of employment described in subsection (c)(1)(A) with respect to which the application is submitted.

''(c) Not later than 20 days after the date the Secretary of Transportation receives from an individual an application for certification under this subsection, the Secretary shall—

''(1) determine whether or not the individual—

''(A) was employed in the activation or operation of a vessel—

''(i) in the National Defense Reserve Fleet maintained under section 11 of the Merchant Ship Sales Act of 1946, in a period in which that vessel was in use or being activated for use under subsection (b) of that section;

''(ii) that is requisitioned or purchased under section 902 of this Act; or

''(iii) that is owned, chartered, or controlled by the United States and used by the United States for a war, armed conflict, national emergency, or maritime mobilization need (including for training purposes or testing for readiness and suitability for mission performance); and

''(B) during the period of that employment, possessed a valid license, certificate of registry, or merchant mariner's document issued under chapter 71 or chapter 73 (as applicable) of title 46, United States Code; and

''(2) if the Secretary makes affirmative determinations under paragraph (1) (A) and (B), certify that individual under this subsection.

''(d) For purposes of reemployment rights and benefits provided by this section, a certification under subsection (c) shall be considered to be the equivalent of a certificate referred to in paragraph (1) of section 4301(a) of title 38, United States Code.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to employment described in section 302(c)(1)(A) of the Merchant Marine Act, 1936, as amended by subsection (a), occurring after the date of enactment of this Act.

(c) REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations implementing this section.

SEC. 11. TITLE XI LOAN GUARANTEES.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended—

(1) in section 1101(b), by striking ''owned by citizens of the United States'';

(2) in section 1104B(a), in the material preceding paragraph (1), by striking ''owned by citizens of the United States''; and

(3) in section 1110(a), by striking ''owned by citizens of the United States''.

SEC. 12. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking ''June 30, 1995'' and inserting ''June 30, 2000''.

SEC. 13. VESSEL LOAN GUARANTEE PROGRAM.

(a) RISK FACTOR DETERMINATIONS.—Section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273) is amended by adding at the end the following new subsection:

''(h)(1) The Secretary shall—

''(A) establish in accordance with this subsection a system of risk categories for obligations guaranteed under this title, that categorizes the relative risk of guarantees made under this title with respect to the risk factors set forth in paragraph (3); and

''(B) determine for each of the risk categories a subsidy rate equivalent to the cost of obligations in the category, expressed as a percentage of the amount guaranteed under this title for obligations in the category.

''(2)(A) Before making a guarantee under this section for an obligation, the Secretary shall apply the risk factors set forth in paragraph (3) to place the obligation in a risk category established under paragraph (1)(A).

''(B) The Secretary shall consider the aggregate amount available to the Secretary for making guarantees under this title to be reduced by the amount determined by multiplying—

''(i) the amount guaranteed under this title for an obligation, by

''(ii) the subsidy rate for the category in which the obligation is placed under subparagraph (A) of this paragraph.

''(C) The estimated cost to the Government of a guarantee made by the Secretary under this title for an obligation is deemed to be the amount determined under subparagraph (B) for the obligation.

''(D) The Secretary may not guarantee obligations under this title after the aggregate

amount available to the Secretary under appropriations Acts for the cost of loan guarantees is required by subparagraph (B) to be considered reduced to zero.

''(3) The risk factors referred to in paragraphs (1) and (2) are the following:

''(A) If applicable, the country risk for each eligible export vessel financed or to be financed by an obligation.

''(B) The period for which an obligation is guaranteed or to be guaranteed.

''(C) The amount of an obligation, which is guaranteed or to be guaranteed, in relation to the total cost of the project financed or to be financed by the obligation.

''(D) The financial condition of an obligor or applicant for a guarantee.

''(E) If applicable, any guarantee related to the project, other than the guarantee under this title for which the risk factor is applied.

''(F) If applicable, the projected employment of each vessel or equipment to be financed with an obligation.

''(G) If applicable, the projected market that will be served by each vessel or equipment to be financed with an obligation.

''(H) The collateral provided for a guarantee for an obligation.

''(I) The management and operating experience of an obligor or applicant for a guarantee.

''(J) Whether a guarantee under this title is or will be in effect during the construction period of the project.

''(4) In this subsection, the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).''.

(b) APPLICATION.—Subsection (h)(2) of section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273), as amended by subsection (a) of this section, shall apply to guarantees that the Secretary of Transportation makes or commits to make with any amounts that are unobligated on or after the date of enactment of this Act.

(c) GUARANTEE FEES.—Section 1104A(e) of title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(e)) is amended to read as follows:

''(e)(1) Except as otherwise provided in this subsection, the Secretary shall prescribe regulations to assess in accordance with this subsection a fee for the guarantee of an obligation under this title.

''(2)(A) The amount of a fee under this subsection for a guarantee is equal to the sum determined by adding the amounts determined under subparagraph (B) for the years in which the guarantee is in effect.

''(B) The amount referred to in subparagraph (A) for a year is the present value (determined by applying the discount rate determined under subparagraph (F)) of the amount determined by multiplying—

''(i) the estimated average unpaid principal amount of the obligation that will be outstanding during the year (determined in accordance with subparagraph (E)), by

''(ii) the fee rate established under subparagraph (C) for the obligation for each year.

''(C) The fee rate referred to in subparagraph (B)(ii) for an obligation shall be—

''(i) in the case of an obligation for a delivered vessel or equipment, not less than one-half of 1 percent and not more than 1 percent, determined by the Secretary for the obligation under the formula established under subparagraph (D); or

''(ii) in the case of an obligation for a vessel to be constructed, reconstructed, or reconditioned, or of equipment to be delivered, not less than one-quarter of 1 percent and not more than one-half of 1 percent, determined by the Secretary for the obligation under the formula established under subparagraph (D).

''(D) The Secretary shall establish a formula for determining the fee rate for an obligation for purposes of subparagraph (C), that—

''(i) is a sliding scale based on the creditworthiness of the obligor;

''(ii) takes into account the security provided for a guarantee under this title for the obligation; and

''(iii) uses—

''(I) in the case of the most creditworthy obligors, the lowest rate authorized under subparagraph (C) (i) or (ii), as applicable; and

''(II) in the case of the least creditworthy obligors, the highest rate authorized under subparagraph (C) (i) or (ii), as applicable.

''(E) For purposes of subparagraph (B)(i), the estimated average unpaid principal amount does not include the average amount (except interest) on deposit in a year in the escrow fund under section 1108.

''(F) For purposes of determining present value under subparagraph (B) for an obligation, the Secretary shall apply a discount rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding obligations of the United States having periods to maturity comparable to the period to maturity for the obligation with respect to which the determination of present value is made.

''(3) A fee under this subsection shall be assessed and collected not later than the date on which amounts are first paid under an obligation with respect to which the fee is assessed.

''(4) A fee paid under this subsection is not refundable. However, an obligor shall receive credit for the amount paid for the remaining term of the guaranteed obligation if the obligation is refinanced and guaranteed under this title after such refinancing.

''(5) A fee paid under subsection (e) shall be included in the amount of the actual cost of the obligation guaranteed under this title and is eligible to be financed under this title.''.

SEC. 14. MARITIME POLICY REPORT.

(a) REPORT.—The Secretary of Transportation shall transmit to the Congress a report setting forth the Department of Transportation's policies for the 5-year period beginning October 1, 1995, with respect to—

(1) fostering and maintaining a United States merchant marine capable of meeting economic and national security requirements;

(2) improving the vitality and competitiveness of the United States merchant marine and the maritime industrial base, including ship repairers, shipbuilders, ship manning, ship operators, and ship suppliers;

(3) reversing the precipitous decrease in the number of ships in the United States-flag fleet and the Nation's shipyard and repair capability;

(4) stabilizing and eventually increasing the number of mariners available to crew United States merchant vessels;

(5) achieving adequate manning of merchant vessels for national security needs during a mobilization;

(6) ensuring that sufficient civil maritime resources will be available to meet defense deployment and essential economic requirements in support of our national security strategy;

(7) ensuring that the United States maintains the capability to respond unilaterally to security threats in geographic areas not covered by alliance commitments and otherwise meets sealift requirements in the event of crisis or war;

(8) ensuring that international agreements and practices do not place United States maritime industries at an unfair competitive disadvantage in world markets;

(9) ensuring that Federal agencies promote, through efficient application of laws and regulations, the readiness of the United States merchant marine and supporting industries; and

(10) any other relevant maritime policies.

(b) DATE OF TRANSMITTAL.—The report required under subsection (a) shall be transmitted along with the President's budget submission, under section 1105 of title 31, United States Code, for fiscal year 1997.

SEC. 15. RELIEF FROM U.S. DOCUMENTATION REQUIREMENT FOR 3 VESSELS.

(a) IN GENERAL.—Notwithstanding any other law or any agreement with the United States Government, a vessel described in subsection (b) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) RAINBOW HOPE (United States official number 622178).

(2) IOWA TRADER (United States official number 642934).

(3) KANSAS TRADER (United States official number 634621).

SEC. 16. VESSEL REPAIR AND MAINTENANCE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a pilot program to evaluate the feasibility of using renewable contracts for the maintenance and repair of outported vessels in the Ready Reserve Force to enhance the readiness of those vessels. Under the pilot program, the Secretary, subject to the availability of appropriations and with 6 months after the date of the enactment of this Act, shall award 9 contracts for this purpose.

(b) USE OF VARIOUS CONTRACTING ARRANGEMENTS.—In conducting a pilot program under this section, the Secretary of Transportation shall use contracting arrangements similar to those used by the Department of Defense for procuring maintenance and repair of its vessels.

(c) CONTRACT REQUIREMENTS.—Each contract with a shipyard under this section shall—

(1) subject to subsection (d), provide for the procurement from the shipyard of all repair and maintenance (including activation, deactivation, and drydocking) for 1 vessel in the Ready Reserve Force that is outported in the geographical vicinity of the shipyard;

(2) be effective for 1 fiscal year; and

(3) be renewable, subject to the availability of appropriations, for each subsequent fiscal year through fiscal year 1998.

(d) LIMITATION OF WORK UNDER CONTRACTS.—A contract under this section may not provide for the procurement of operation or manning for a vessel that may be procured under another contract for the vessel to which section 11(d)(2) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1774(d)(2)) applies.

(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall seek to distribute contract awards under this section to shipyards located throughout the United States.

(f) REPORTS.—The Secretary shall submit to the Congress—

(1) an interim report on the effectiveness of each contract under this section in providing for economic and efficient repair and maintenance of the vessel included in the contract, no later than 20 months after the date of the enactment of this Act; and

(2) a final report on that effectiveness no later than 6 months after the termination of all contracts awarded pursuant to this section.

SEC. 17. STREAMLINING OF CARGO ALLOCATION PROCEDURES.

Section 901b(c)(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241f(c)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and consistent with those sections,'' and inserting ''and, subject to subparagraph (B) of this paragraph, consistent with those sections,''; and

(B) by striking ''50 percent'' and inserting ''25 percent''; and

(2) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) In carrying out this paragraph, there shall first be calculated the allocation of 100 percent of the quantity to be procured on an overall lowest landed cost basis without regard to the country of documentation of the vessel and there shall be allocated to the Great Lakes port range any cargoes for which it has the lowest landed cost under that calculation. The requirements for United States-flag transportation under section 901(b) and this section shall not apply to commodities allocated under subparagraph (A) to the Great Lakes port range, and commodities allocated under subparagraph (A) to that port range may not be reallocated or diverted to another port range to meet those requirements to the extent that the total tonnage of commodities to which subparagraph (A) applies that is furnished and transported from the Great Lakes port range is less than 25 percent of the total annual tonnage of such commodities furnished.

''(C) In awarding any contract for the transportation by vessel of commodities from the Great Lakes port range pursuant to an export activity referred to in subsection (b), each agency or instrumentality—

''(i) shall consider expressions of freight interest for any vessel from a vessel operator who meets reasonable requirements for financial and operational integrity; and

''(ii) may not deny award of the contract to a person based on the type of vessel on which the transportation would be provided (including on the basis that the transportation would not be provided on a liner vessel (as that term is used in the Shipping Act of 1984, as in effect on November 14, 1995)), if the person otherwise satisfies reasonable requirements for financial and operational integrity.''.

MODIFICATION TO AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent that the amendment printed in the report of the Committee on Rules be modified in accordance with the document at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. BATEMAN: In the text proposed to be added as section 17 (page 31, beginning at line 1)—

(1) insert ''(a) AMENDMENTS.—'' before ''Section 901b(c)(3)'' (at page 30, line 3); and

(2) add at the end the following new subsection:

(b) CONFORMING AMENDMENTS.—(1) Paragraph (4) of section 901b(c) of that Act is repealed.

(2) Paragraph (5) of that section is redesignated as paragraph (4).

Mr. BATEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BATEMAN. Mr. Chairman, this modification request is simply to restore to the text of the bill language which was inadvertently dropped as it went through the word processing processes. There are no substantive changes of any kind effected and it is simply to restore language inadvertently omitted.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Virginia [Mr. BATEMAN]?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. BATEMAN] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BATEMAN asked and was given permission to revise and extend his remarks.)

Mr. BATEMAN. Mr. Chairman, this amendment makes a number of important but I believe noncontroversial changes to H.R. 1350. None of these provisions will result in additional costs to the Government, in fact several of the provisions will save substantial sums over a number of years.

Let me comment first on a provision which will extend the authority for the Secretary of Transportation to offer war risk insurance. This critical authority expired in June of this year and this amendment will renew the program for 5 years. Under the program the Maritime Administration is authorized to provide insurance against the hazards of war to privately owned vessels or government-owned vessels which are operated by contractors when commercial insurance cannot be obtained on reasonable terms and conditions.

The Navy is obligated under its various charters and operating contracts either to reimburse ship owners and operators for the additional insurance premium costs, or to provide cost free Government war risk coverage for that commercial insurance whenever the Government directs the ships into an area designated by the commercial insurance providers as ''war risk exclusion zones''. The Government saves money by substituting premium-free Government insurance. The Military Sealift Command has quantified the saving to the Navy resulting from the invocation of this program during Desert Storm at $436,302,736 million. This program was also invoked in during operations in Somalia and Haiti.

This amendment also modifies the circumstances when commercial vessels may be called to assist the Defense Department. It allows for callup during war or national emergency but also when the Secretary of Defense determines that it is necessary for the National Security. This is authority granted to the SECDEF is important. However because any activation can be disruptive to commercial operations, I trust that all steps will be taken to minimize this disruption consistent of course with our military requirements.

This amendment also grants reemployment rights to certain merchant seamen who volunteer to serve on vessels which are activated during a war, national emergency, or when required for national security reasons. This has the strong support of the Defense Department which found that because of the absence of reemployment rights it was forced to rely on individuals who had retired from their civilian jobs. Many were in their 60's and 70's. Finding qualified and physically able mariners from this pool became increasingly difficult. I want to emphasize that this program does not create veterans status or mandate service but simply allows an individual who volunteers for service of a sealift vessel that he will have his or her civilian job when they return. It is very similar to the current program available to our reserve components.

We have also included a provision regarding the ability of carriers in the Maritime Security Program to offer service in the domestic trades. We believe that this is very substantially improved from the version introduced by request. At the time the committee ordered the bill reported, it had not resolved the issue to everyone's satisfaction but agreed to keep working on the issue. Compared to present law, section 4 of the bill as set forth in the managers amendment establish a new provision which significantly streamlines the regulatory regime regarding the ability of a carrier to receive payments under the program and to continue to participate in the domestic trades. This provision grandfathers existing operators and service levels without the necessity of going through another administrative hearing and also allows growth in the trades without a new hearing. This provision was developed and included in the other body's version of this bill after our committee's having ordered our bill reported. After having examined the provision, we have chosen to adopt and offer it as part of the managers amendment to speed consideration of this bill in the Senate. We know of no opposition to this provision.

Also included within the managers amendment is a provision pertaining to the shipment of certain government cargoes through Great Lakes ports. This provision which represents a compromise developed by port and shipping interests, is intended to ensure that such cargoes are allocated to the Great Lakes and other port ranges based on fair competition and market conditions. This amendment is based on several fundamental principles. First we wish to strongly emphasize that it will not affect our port ranges—this is not a cargo reservation or set aside measure nor does this amendment contain any mechanism or procedure which specifically directs cargoes to the Great

Lakes or any port range. It simply amends current law to reduce administrative burdens by allowing title II ''food for peace'' cargoes to be allocated on the basis of the existing principles of lowest landed cost. This permits Great Lakes ports to participate, without diversion of cargo from our coastal ports.

We have included a number of other provisions that seek to improve the operation of a number of programs at the Maritime Administration—again none of which are controversial.

I urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I am unaware of any opposition to the amendment, but I do ask unanimous consent to claim the 10 minutes on our side.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. TAYLOR].

□ 1500

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I rise today in strong support of the maritime Security Act. This legislation will revitalize the U.S. Maritime industry and significantly strengthen our military readiness.

Maritime commerce is a major part of the engine that drives south Florida's economy, where Port Everglades and the Port of Miami are among the fastest growing hubs for international commerce. In fact—in my home county of Broward—nearly 80 percent of Port Everglades' business relies on trade with the Caribbean and Latin America. Our increasing reliance on international trade makes this important legislation for all Americans.

The Maritime Security Act will help ensure the bright future of south Florida's ports and their major role in international commerce. This legislation is good for U.S. business and it is good for national security. I commend the bill's sponsors for their excellent leadership and urge my colleagues to support this legislation.

Mr. TAYLOR of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I rise in support of the manager's amendment and of course in support of the general bill.

As the bill now stands before us today, this bill reforms the maritime program in a way that will save us significant income, both for the Government and, I think, for the program. From a $200 million program, this becomes a $100 million program, a 50-percent-plus savings to the U.S. Treasury at a time when we are trying to balance the budget.

More importantly, this bill makes significant changes in the law that have been desired for a long time. First, it simplifies the procedures so that payments are made on a much simpler format with much less bureaucracy. It simplifies and also creates flexibility for the program so that vessel owners under the new rules and regulations are indeed allowed to alter their trade routes, replace older tonnage with new tonnage without necessarily receiving prior Federal consent to the program. It creates that flexibility. Yet at the same time, it puts a new requirement upon vessel owners to make their vessels available not just in wartime but also for general sealift reasons.

The gentleman from Virginia [Mr. BATEMAN] has pointed out the incredible importance as a maritime nation of having a maritime capacity for sealift purposes in times of national emergency. Finally, this bill ends off-budget entitlement treatment of this program and creates instead the ordinary congressional oversight based upon an annual appropriations process. For all those good reasons, this is a good reform of the maritime security fleet program. It is designed, as I said, for flexibility, simplicity, for tax savings and at the same time new responsibilities for a maritime nation to make sure its maritime fleet is available in times of need for sealift capacity. I urge adoption of the bill and the manager's amendment.

Mr. BATEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Chairman, I thank the chairman.

This particular proposal, H.R. 1350, is part of our efforts to reduce and balance the budget. We reduced the subsidy for $225 million down to $100 million. But it is also necessary to maintain our independent U.S. overseas sealift fleet for national security reasons.

It supports the U.S.-flag commercial vessels and their crews as well, but it does four important things. It ensures that foreign shipping interests do not gain control over our U.S. foreign trade. It eliminates burdensome regulations that impede the ability of U.S.-flag commercial vessels to compete in the global marketplace. It encourages the construction of commercial vessels and in U.S. shipyards. And it begins the annual appropriations process for the maritime industry instead of the 10-year process that the House passed last year. This bill gives us more flexibility.

I commend this bill. It is a bipartisan bill. The chairman should be commended, and I look forward to passage.

Miss COLLINS of Michigan. Mr. Chairman, I rise in support of the manager's amendment to the Maritime Security Act for two very simple reasons: It corrects an inequity, and holds out the potential of creating much-needed jobs for Great Lakes ports, including those of my own congressional district, which includes the port of Detroit.

Since 1985, our Great Lakes ports have been effectively prevented from participating in the Federal food aid program, since most of that cargo was reserved for U.S.-flag vessels—ships that are simply too large to fit through the locks on the St. Lawrence Seaway. The manager's language in this Maritime Security Act allows shipping of such cargo to be awarded in the most cost-effective manner, thus creating a more level playing field for ports all across the country. I believe it will enable vessel operators serving our ports to more fairly compete for cargoes without being disadvantaged by federally imposed or administered cargo preferences.

Consequently, Mr. Chairman, I urge support for the manager's amendment and passage of the maritime security bill.

Mr. BATEMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Virginia [Mr. BATEMAN].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BATEMAN: Page 3, strike lines 2 and 3 and insert the following: common carrier;

Page 6, line 22, strike ''owner or operator of'' and insert ''contractor for''.

Page 8, strike lines 16 and 17 and insert the following: cargo; and

Page 12, line 14, strike ''Within'' and insert ''No later than 30 days after the date of the enactment of the Maritime Security Act of 1995, the Secretary shall accept applications for enrollment of vessels in the Fleet, and within''.

Page 13, line 11, strike ''under to'' and insert ''under''.

Page 13, line 19, strike ''under to'' and insert ''under''.

Page 17, line 21, insert ''fair and'' after ''Agreement for''.

Page 18, line 15, insert ''it'' after ''until the time that''.

Page 24, line 4, insert ''owned, chartered, or'' after ''foreign-flag vessel was''.

Page 24, line 5, insert ''owned, chartered, or'' after ''foreign-flag vessel''.

Page 27, line 20, strike ''subpart'' and insert ''subtitle''.

Mr. BATEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BATEMAN. Mr. Chairman, this amendment contains clarifying and

technical changes to the underlying text of H.R. 1350.

The one change which I wish to note is the addition of a provision which requires the Secretary of Transportation to accept applications within 30 days of the enactment. This is identical to a provision in the Senate bill and is designed to speed the implementation of this bill by the administration.

Mr. TAYLOR of Mississippi. Mr. Chairman, I know of no opposition to the amendment. We support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BATEMAN].

The amendment was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this bill. I do not believe that we should be here today creating a new Government program that, once appropriated, is going to hand out a billion dollars. Inasmuch as we are under the caps, that means the billion dollars is going to come out of other programs.

I consider this kind of legislation corporate welfare.

It is true that H.R. 1350 would replace the existing operational differential program that is more expensive, but that program is being phased out. The industry is expecting the nonrenewal of those contracts. The industry has been planning on the phaseout of that program. Now we are asked to pay more than $2 million a year in subsidies for each ship, for each of the next 9 years for every ship that is enrolled in this program.

Even as we struggle to reach a balanced budget and protect the future of our kids and our grandkids, we are being asked to pay shipping companies, if it is appropriated, and I understand the Committee on Appropriations intends to appropriate these bills, we are going to pay every shipping company $21 million for every ship enrolled in this program. It is corporate subsidies, and we have to stop those corporate subsidies simply for saying, if you are going to fly an American flag, you can get this subsidy.

This program and the proponents of this bill say that it is necessary to protect national security. But again this ignores the fact, I think, that the old program was being phased out. For too long we have allowed some of these vague national security claims to justify subsidies for selected industries. This year's budget makes some progress in trimming subsidies for military procurement, energy, agriculture, other industries that have been connected to national defense. Agriculture, certainly food and fiber, is essential for our national security in time of war. But we have made the decision to phase out those subsidies.

Now, it is possible that other countries are going to produce the food and fiber; we are going to have to depend on those other countries. But it seems to me in this era where we have decided to slow down on those corporate subsidies, it is important that we not start new programs at this time.

We have found that many of these subsidies have far more to do with well-financed special interests than military preparedness. The same I think is true here. It is unreasonable to believe that we cannot defend our country without paying shipowners more than $20 million per ship to fly our flag.

As we struggle to balance the budget, I think it is outrageous to ask Congress and the American people to create yet another corporate subsidy. I ask all my colleagues' thoughtful evaluation and consideration of this bill.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 1350, the Maritime Security Act of 1995.

One of the cornerstones of national security that our country depends on is the ability to rapidly deploy and support our troops overseas. The U.S. maritime industry has played an indispensable role serving this purpose in every war this country has ever been involved in. Merchant seamen have often put their lives in danger transporting troops and supplies into the heart of war zones. They have served with courage and loyalty contributing to the American effort in every wartime endeavor. H.R. 1350 establishes a new Maritime Security Fleet Program that will allow the Federal Government to secure participating U.S.-flagged vessels when needed for national security purposes. H.R. 1350 will also serve as an incentive for construction of new U.S.-flagged vessels and for existing vessels to remain U.S.-flagged.

The U.S. maritime industry must be maintained at an adequate level in order to insure the availability of carriers in times of crisis. The United States must not be left in a position where it will be dependent on foreign carriers to transport troops and supplies. History has shown that securing the assistance of foreign countries is frequently time consuming and difficult. The United States must be capable of acting on its own if and when it deems necessary.

This bill will help to preserve the U.S.-flagged merchant marine and domestic shipbuilding industry. It will create many commercial opportunities for American shipbuilders and thousands of jobs for Americans. The United States will thereby maintain an ample supply of ships and skilled mariners, impeding the trend of reflagging U.S. ships overseas to avoid U.S. taxes and health, safety, and labor standards.

Preservation of the U.S. maritime industry will encourage better working conditions on foreign vessels. The United States is among the highest in health, safety, and labor standards on board maritime vessels. Workers on foreign vessels are often envious of the humanitarian protections afforded to crews of U.S. vessels. If the U.S. maritime industry is allowed to dwindle, there will be little pressure on foreign ships to improve their standards.

In addition, the current process will be streamlined. The new program will be less expensive than the previous program and more economical than if the Government builds and sustains its own fleet for these purposes. Vessel operators in the Maritime Security Fleet will be required to allow the Department of Defense to use both land and water transportation systems, unlike the previous program. Furthermore, both the Department of Defense and the Department of Transportation support H.R. 1350.

Although the United States is the world's largest trading nation, the size of our commercial fleet ranks 16th in the world. The history of the U.S. maritime industry is one of pride, bravery, dedication, and loyalty. The revitalization of the merchant marine program is essential to the national security of the United States. Maximum mobility in times of crisis is an indispensable tool necessary to efficiently deal with such situations. H.R. 1350 will help to provide that mobility.

Mr. Chairman, I urge a ''yes'' vote on this bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Hawaii [Mr. ABERCROMBIE].

PARLIAMENTARY INQUIRY

Mr. BATEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BATEMAN. Mr. Chairman, I am not objecting to my colleagues having an understanding to speak. My understanding is all time on general debate has expired. All amendments that have been offered have been disposed of and have been adopted. Time has been yielded back. I do not object to my colleagues having an opportunity to rebut the last speaker, but I frankly think we are consuming time of the House beyond what is necessary.

The CHAIRMAN. Pro forma amendments can be made at this time under an open rule.

The Chair recognizes the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I assure the gentleman from Virginia [Mr. BATEMAN], my good friend, that the only reason that I am speaking is to try to correct the record because of the excellent presentation that has been made. I very much regret the observations made by the gentleman from Michigan, particularly the observation that this is somehow a handout and that it is corporate welfare and we are being asked to pay more in subsidies.

I wish some of the people who come down on the floor and make these observations would be available during

our hearings. On the contrary, I think if you attend the national security meetings, you find that we are spending in the neighborhood of $100 million to provide each ship for sealift capacity for the Department of Defense ships.

□ 1515

Now in return for the $2 million that we will be paying to the ships under this bill, they must be made available in times of war for shipment. In effect we are contracting out with the merchant marine a position I presume the gentleman from Michigan would support. I think that that is a heck of a good investment, a $2 million investment. Now I am perfectly willing to build more ships.

There is supposedly a struggle to reach a balanced budget. As the gentleman and I have discussed at other times, I hardly think that that is what we are going to be doing in this discussion about the budget. Balancing it is about the last thing we are going to do, and if my colleagues want to put the word ''balance'' into the equation, we have to balance the American interests involved in this investment. I do not see this as a subsidy at all, but rather an investment in American ships, in American jobs, to make sure that America can get the job done when it needs to do it.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. Reclaiming my time, Mr. Chairman, to reinforce the statement of my good friend from Hawaii and to answer what I think will be the questions of the gentleman, the 100 million dollars that this Nation will spend to provide for the Maritime Security Fleet would build 1 cargo ship for the Navy or make 50 ships available for the next year. That is good economics.

I come from shipbuilding country. I would much rather build ships than charter them, but you cannot argue with getting 50 ships for the price of 1, and incidentally our Nation is building over a dozen fast sealift ships to help fill this need, but it will never completely fulfill the need. We will have to rely on a strong American merchant marine, and that is why I support this measure.

I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I guess I have two questions. One would be under the definition of war, if these contracts were signed, would these ships be enlisted for the Bosnia, current Bosnia, situation?

Mr. TAYLOR of Mississippi. Mr. Chairman, under the terms of the bill, any national emergency. That includes hurricanes, any national emergency.

Mr. SMITH of Michigan. Does it include Bosnia?

Mr. TAYLOR of Mississippi. It would.

Mr. SMITH of Michigan. Let me ask one more question. It is my understanding that the cost of these ships is possibly as low as a 100 million up to $200 million for some of the larger ships. Is it my understanding that over the period of this legislation, 9 years, we are looking at $21 million per ship subsidy, paying that $2.2, or $2.3 or——

Mr. TAYLOR of Mississippi. If I may say to the gentleman, it is $2.3 million for the first year, $2.1 million for each remaining, but keep in mind I come from shipbuilding country. We simply cannot build ships for the same price as we can go out and charter 50 American ships, and we are building some ships to fill the need, but what those ships that are being built, or solely for the Navy, will be dedicated for prepositioning, but will not fill the entire need that this country will need in times of war.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Virginia.

Mr. BATEMAN. I think we have got to bear in mind that we are not talking here about an entitlement program; we are replacing an entitlement program, and no one is going to get $1 million, $2 million or any number of millions for the next 10 years. They are going to get it only insofar as each successive session of Congress sees fit to sustain a program. This is a tremendous step to satisfy the kinds of objections that the gentleman is raising.

I respect the gentleman deeply and certainly respect his opinion. All of us are entitled to our opinions. But we are not entitled to our version of the facts.

The CHAIRMAN. Are there any further amendments to the bill?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

(Mr. OBEY asked and was given permission to revise and extend his remarks.)

Mr. OBEY. Mr. Chairman, I rise in strong support of this legislation with the inclusion of the Great Lakes cargo equity provision in the managers' amendment to the bill.

Since 1985 when cargo preference on Federal food aid was expanded from 50 percent to 75 percent, Great Lakes ports have operated at a disadvantage because 75 percent of that cargo was taken off the top to be reserved for U.S.-flag vessels. Great Lakes ports don't enjoy regularly-scheduled oceangoing U.S. flag service because U.S. flag vessels are simply too large to fit through the locks on the St. Lawrence Seaway. Further, the Federal agencies that administer the program have always placed meeting the cargo preference requirement ahead of any concern for port range equity.

Consequently, the cargo preference requirement has effectively shut our ports out of the program. Often, after the 75 percent cargo preference requirement was satisfied, there was insufficient cargo available to make it economically viable for Great Lakes ports to bid. In some cases, when Great Lakes ports did successfully bid for cargo, it might still be diverted to another port range to satisfy cargo preference.

Over the past 10 years, we have sought to restore some equity to the Federal maritime program, and legislative provisions were enacted in 1985 and 1990. Unfortunately, those efforts turned out to be either temporary or ineffective. Last year, a Great Lakes equity provision which I authored was included in the House-passed maritime security bill, but that legislation was not enacted.

This year, with the assistance of the American Great Lakes ports and representatives of the maritime industry, we have developed a new provision to ensure equity for the Great Lakes region which is included in the managers' amendment to the bill. This provision will establish a new contracting procedure whereby our ports will get to bid on 100 percent of Public Law–480 title II cargo. This is the most labor-intensive type of cargo to load and unload and it represents the greatest job-creating potential for our workers. If shipping that cargo via a Great Lakes port is the most cost-effective option, then the Great Lakes will be awarded that cargo. Furthermore, unlike current law, once awarded, that cargo cannot be taken away and diverted to another port range to satisfy cargo preference.

Nothing in this provision will diminish the 75-percent cargo preference requirement for the food aid program.

To accomplish this, the provision requires a two-step procedure be utilized by the Department of Agriculture in allocating cargoes to ports. First, after commodity suppliers and vessel operators have submitted quotes or bids to the Commodity Credit Corporation, an initial evaluation will calculate the port allocation for 100 percent of the quantity to be procured on an overall lowest landed cost basis without regard to the flag of the vessels involved. In this environment, absent cargo preference requirements, if a Great Lakes port has won a cargo based on lowest landed cost, then it is allocated to that Great Lakes port and cannot be diverted. A second evaluation is then performed to determine the specific port allocation for the remaining cargo to be purchased on the basis of 75-percent overall cargo preference requirement.

Other than a more competitive bid from another port range, the only restriction, then, that will be placed on the allocation of Public Law 480 title II cargo to Great Lakes ports is that the total may not exceed more than 25 percent of the annual tonnage which represents the non-U.S.-flag share.

During the 3 months of the year when the Great Lakes are frozen and closed to commerce the initial calculation will not be necessary. This is also true if no vessel operator or commodity supplier has offered a quote or rate through a Great Lakes port.

Clearly, this provision moves our region of the country to a more level playing field. If it works as designed it will enable vessel operators serving our ports to fairly compete for cargoes without being disadvantaged by cargo preference.

I wish to thank the majority and minority members of the National Security Committee for their help in reaching agreement on this Great Lakes cargo equity provision, especially Chairman SPENCE, subcommittee Chairman BATEMAN, and ranking Democrat RON DELLUMS. I would also like to thank the staffs of each of these members, the representatives of maritime labor and U.S.-flag vessel operators who have been involved in the development of this provision, and representatives of the Great Lakes ports. Each of them was an essential element in the crafting of this provision.

As such, I urge you to join with me in supporting the important job-creating Great Lakes cargo equity provision in the maritime security bill.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. DICKEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1350) to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes, pursuant to House Resolution 287, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill?

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days to insert their remarks into the RECORD and to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2076) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as ready.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from the Commonwealth of Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, this rule allows the House to consider and hopefully pass H.R. 2076, the fiscal year 1996 Commerce, Justice, and State Appropriations Conference Report. As most Americans know, we are charged each year with enacting 13 appropriations bills to fund the major functions of Government.

This year we have had a difficult time in meeting that goal, given the extraordinarily complex challenge of reducing the size and scope of Government as we attempt to balance our Federal budget. To date, 7 of the 13 spending bills have become law, and we are working hard to have the others on the President's desk as quickly as possible. We are seeking to work with the White House—but we will not abandon our commitment to balancing the budget in 7 years. This conference report makes a tangible contribution to the deficit reduction effort, providing for a real cut of $700 million from last year's spending levels. I wish to commend Chairman ROGERS and his entire subcommittee for their excellent work in making the tough choices needed to bring about such substantial savings, and believe me, I know these were tough choices.

Mr. Speaker, this rule is a standard one providing for the consideration of appropriations conference reports. There is nothing unusual about the rule. It is the way we do business. The rule waives all points of order against the conference report and against its consideration, allowing us to proceed with getting this bill passed and, hopefully, one step closer to being signed into law. Under House rules, this conference report will be debatable for 1 hour and the minority will have its traditional right to recommit with or without instructions.

Mr. Speaker, we had considerable discussion about the merits of this bill during our Rules Committee hearing yesterday as sometimes happens, and I know there is concern among our friends in the minority about the crime provisions of this legislation. I should point out that the Contract With America outlined a series of important tough-on-crime provisions that the congressional majority promised to deliver. Although those provisions—including truth-in-sentencing and prison litigation reform—passed the House this spring, they have not yet moved through the other body, I am sorry to say. Because we know how important these anticrime measures are to the American people, we are cutting through the legislative logjam that has held them up. I am speaking of provisions to help States keep criminals behind bars and to stop frivolous prison lawsuits. Over and over again, our constituents express frustration that criminals are released early from prison because of overcrowding and lenient State parole policies. Our constituents are concerned about their safety, as they should be, and they want to know that those who commit crimes will do their time. In addition, people are extremely frustrated with reports of endless lawsuits generated by prisoners that clog the system and syphon off precious criminal justice resources. This bill incorporates much of the Judiciary Committee's language to address these two problems in the hopes that we can finally expedite getting these anticrime measures enacted into law before Christmas, I hope.

There is also some disagreement about the way this bill addresses the COPS Program—a pet program of this White House that has placed some 26,000 cops on the beat across the country, but which, in a few short years, will drop the entire burden for funding those policemen on the States and localities. In my view, that's a false promise of a very short-term gain. It is attractive bait, I admit, but it is a short-term gain that in the long run is going to end up costing our communities dearly.

Mr. speaker, I remember the days of the CETA programs. I know what happened because I was in another one of those.

Instead, this bill takes the block-grant approach to allocating those anticrime resources, leaving it up to local officials to determine what the best use will be for those funds. Additional good news in this measure comes in the form of substantial funding for violence against women programs and a significant Federal financial commitment to help States like Florida cope with the tremendous burden of incarcerating criminal aliens. I would point out even though I am from Florida, it is not just Florida that has the problem; it is a national problem. A careful review of the major provisions of this conference report indicates that our House colleagues have done yeoman's work, they have done it well, in their negotiations, bringing the House a fiscally responsible bill that reflects the priorities of our constituents. I urge my colleagues to support the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Florida for yielding me the customary half hour.

Mr. Speaker, crime is a very serious issue in this country. In fact, today the top three issues for citizens of the Commonwealth Massachusetts are education, crime, and the environment. And I bet it is the same in other States.

Mr. Speaker, life in the United States is not what it used to be. Children worry about whether their classmates are bringing guns to schools, parents worry about what sorts of drugs are being sold in playgrounds, and families worry for their safety even in their own homes and neighborhoods.

It's horrible that many American families feel threatened by violent crime on a daily basis. Congress should be doing every single thing in its power to make sure our children and families are safe. So, Mr. Speaker, I wonder why on Earth my colleagues want to repeal the wildly popular cops-on-the-beat program.

Since 1994, the cops-on-the-beat program has put 26,000 new police officers on the streets of this country. These are police officers who are trained to prevent violent crime, and illegal drug sales, and sent into communities with serious crime problems.

In Massachusetts alone, we have been given the funding to hire over 700 police officers over the next 3 years. These 700 police officers will be walking our streets thanks to the cops-on-the-beat program.

But today my Republican colleagues want to kill this program. The bill we are considering today will turn the hard-hitting, successful cops-on-the-beat program into block grant mush. The funding will be used for a no-strings-attached slush fund to the tune of nearly $2 billion.

In all likelihood, some of that money, originally meant to stop violent crime on our streets, will be swallowed up into municipal budgets. It's happened before, and it will probably happen again. The newly hired police officers could be let go and our neighborhoods will be the worse for it.

In fact, this money doesn't have to be spent on crime prevention at all. It can be used for yachts or bazookas or armored personnel carriers or a whole lot of other things that will do nothing about the crime on our streets.

Let's leave well enough alone. Let's leave the cops-on-the-beat program as the law of the land. Let's keep those police officers on the street and keep our streets as safe as we possibly can.

Mr. Speaker, although I do not oppose this rule, I am very much opposed to this bill. Americans want the police officers walking the streets today, to be walking the streets tomorrow. In fact, they want even more of them, and Congress should not break its promise.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am privileged to yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for his generous grant of time.

Mr. Speaker, I rise in strong support, obviously, of this rule. This rule is appropriate, Mr. Speaker, because of the unusual approach taken by the Senate in adopting its version of this bill. Instead of amending the House-passed bill, the Senate attached its bill as a single substitute amendment to the House bill, and as a result, the entire bill was in conference. What we bring back to the House is a substitute bill based on the conference agreement. Under that fairly complicated scenario, it makes far more sense to waive all points of order, as this rule does, and I want to thank the Committee on Rules for moving us in this direction.

The conference report, Mr. Speaker, contains some of the most important programs in the Government. Let me highlight one, the Nation's No. 1 domestic priority, the fight against violent crime. The bill provides major new resources to aid the fight against crime, $14.6 billion in total, an increase of 19 percent over the current year.

Of that total, almost $4 billion from the violent crime reduction trust fund that was established last year will fund major new initiatives to enable our States and localities to wage that war against violent crime: $1.9 billion of the money is for the local law enforcement block grant passed by this House in February, to give our cities and towns, in their discretion, the additional resources they desperately need to help make our citizens safe in their own homes; $617 million for the new State prison grant program to allow resources from the Federal Government to go to the States to provide the facilities to make violent criminals serve most of their time; and $175 million for Violence Against Women Act grants, $50 million above the House-passed level, and the full amount that the President requested for these new programs to address child abuse and domestic violence, problems that have been crying for attention and resources.

The bill includes funding for a $300 million increase over last year for the Immigration and Naturalization Service to regain control over illegal immigration, and an increase of $571 million over the current year for Federal law enforcement, nearly $200 million above the House-passed level, for Federal law enforcement: FBI, Drug Enforcement Administration, U.S. attorneys and the Federal prisons.

As this debate unfolds, Mr. Speaker, I am sure we are going to hear complaints from the other side. They will not like the fact that the conference report includes language, in response to a Senate amendment, to rein in abusive and frivolous lawsuits by prisoners, language that the Administration generally supports. They will not like the fact that the conference report includes language to target prison grants to States that move forward toward making prisoners serve 85 percent of their sentences. They will not like the fact, Mr. Speaker, that the conference report includes language that moves away from a Washington-based cookie cutter grant program in crime control to a program that allows communities to use funds at their own discretion for their own particular needs.

For every one of these items, the language was worked on by the Committees on the Judiciary of the House and the Senate jointly, and includes the text that was agreed on by those committees.

Mr. Speaker, this is December. We have been debating these issues all year long. This bill passed the House in July. It passed the Senate in September. The Administration has not said one word to me or to this subcommittee or to the full committee or to the House, about what they would like to see done in this bill. We have waited. We have asked for their assistance and their cooperation. They have refused. We have no choice now but to move forward, like it or not.

Unless we pass a bill and find a way to get it signed, none of these resources can become available to our communities. If the programs in this bill are important to the Members, if the fight against violent crime and illegal aliens is important to the Members, if it is important to Members to help stamp out violence against women, then vote for this bill. Step forward. Make your move. Let us send this bill to the White House, get it over with, and get on with the business of the country.

Mr. Speaker, I urge a vote for this rule and for the conference report.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding to me. Mr. Speaker, I rise in opposition to the rule and urge members to vote ''no'' to the rule and to the conference report.

This bill would eliminate the current COPS Program that gives grants to localities to put 100,000 additional community police officers on the streets of our Nation.

The citizens of my district in Missouri have benefited from this program. In 25 cities across the country the violent crime rate is down, the murder rate is down, the crime rate is down.

In my own district the COPS Program in phase 1 has funded 94 total law enforcement officers in towns and communities like independence, Lee's Summit, Raytown and Sugar Creek. In Kansas City alone 26 law enforcement officers have been funded.

If the COPS Program is turned into a block grant fund, there is a real danger

that communities like mine will lose Federal funding and face elimination of a successful program that prevents crime. Mr. Speaker, I have visited with citizens and law enforcement officials and the cops on the beat. I have seen the work that they are doing with community volunteers to prevent crime.

If we allow this valuable program to be made into a block grant these funds may be diverted and may not be spent on preventing crime.

According to the Jackson County prosecutors office, overall crime in Kansas City has decreased 15 percent from 1994. This includes a 25-percent reduction in homicides, 10-percent reduction in violent crimes, and a reduction of 5 percent in part 1 crimes such as auto theft.

The COPS Program has real, tangible, results. The COPS Program is working.

I urge my colleagues to vote ''no'' on the rule and to oppose passage of this bill.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Kansas [Mrs. MEYERS], chairman of the Committee on Small Business.

Mrs. MEYERS of Kansas. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, I rise in support of this rule and of the conference report on H.R. 2076 and I urge my colleagues to join me in supporting this bill. I would also like to take this opportunity to commend Chairman ROGERS and the rest of my colleagues on the Appropriations Subcommittee for their hard work on this agreement.

Mr. Speaker, as Chair of the Small Business Committee I want to specifically address the funding provided for the Small Business Administration [SBA] in this conference report. At the beginning of this year, I established a goal of substantially reducing funding for the SBA, while increasing the agency's ability to assist small business with their capital needs through guaranteed loans. I am pleased to say that legislation authored by the Committee on Small Business, and signed into law in October, substantially reduced the subsidy needed to operate our two largest guaranteed loan programs. By working cooperatively with Chairman ROGERS, we have been able to reduce funding for the SBA by 36 percent—a savings of nearly $300 million when compared to the fiscal year 1995 appropriations, and yet preserving those programs that are truly important to small business.

Despite these very real reductions, there will be no loss of vital financing assistance for the small business community. In fact, the SBA will be able to provide more guarantees for 7(a) general small business loans in fiscal year 1996 than ever before. The Certified Development Co. program will be able to help small businesses expand, meeting their needs for larger work space and updated equipment, without any appropriation whatsoever—the program is now completely self-financing.

Mr. Speaker, through dedication to reducing Federal spending and reaching a balanced budget, and unwavering support of small businesses, we have found a way to do more with less. This conference report represents fiscal responsibility and strong advocacy for our Nation's economic backbone—small business. Again, my compliments to Chairman ROGERS, and I urge the adoption of the conference report.

Mr. GOSS. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Florida [Mr. FOLEY] for a colloquy.

Mr. FOLEY. Mr. Speaker, I appreciate the gentleman's courtesy in yielding time to me.

Mr. Speaker, I would like to direct a question to the chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS].

Mr. Speaker, I first congratulate the chairman of the subcommittee in bringing a balanced spending bill back from conference that includes and funds a number of essential governmental functions. Included in this bill is $12 billion for NOAA's National Undersea Research Program, otherwise known as NURP. To clarify the priority of this funding, I would like to ask if the $12 million is intended for the existing six NURP research centers.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Yes, Mr. Speaker, the gentleman is correct, it is.

Mr. FOLEY. Mr. Speaker, I would like to also further clarify. One of these six centers, the Caribbean Marine Research Center, has long been recognized for the information it provides on a number of environmental concerns. I would ask the chairman of the committee, does the language on this conference report assure $1.56 billion for the Caribbean Marine Research Center?

Mr. ROGERS. If the gentleman will continue to yield, he is correct, it does.

Mr. FOLEY. Mr. Speaker, I thank the gentleman very much for this clarification.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule, although I do not intend to support H.R. 2076. Although there are many sections of this conference report that I find troubling, I will limit my comments to the funding of programs at the National Institute of Standards and Technology [NIST].

I want to commend my colleagues on the Appropriations Committee for providing adequate funding for the NIST laboratories, and particularly for funding the Manufacturing Extension Partnership [MEP] at NIST. The MEP was labeled ''corporate welfare program'' by many of my colleagues on the other side of the aisle at the beginning of this Congress. However, due to the educational efforts of the small- and medium-size business community, my Republican colleagues were able to set politics aside and judge the Manufacturing Extension Partnership on its merits. As a result, the Manufacturing Extension Partnership is funded.

I am afraid my Republican colleagues were not so objective in their assessment of the Advanced Technology Program [ATP] at NIST. In hearings before the Committee on Science this year, the only witnesses who spoke against ATP were individuals with no technical or business background. Every other private sector witness has supported the ATP and programs like it—regardless of whether their company received an ATP award.

Over the over we read in the newspapers, magazines, and journals that many U.S. companies are reducing their investment in long-term, high-risk research and development [R&D] to focus on short-term process R&D. As reported by the New York Times—September 26, 1995—the breakup of the AT&T lab was due to diminishing corporate interest on the brilliant breakthrough discoveries that might lead to an entirely new generation of products. It was long-term, high-risk research in the past that resulted in the economic strength of the United States today. If our companies stop doing research to focus on short-term profits, what will be the base of American economic strength in the future? The Advanced Technology Program was designed to work with industry to ensure our future economic strength.

According to the Congressional Budget Office [CBO], the ATP represents less than 3 percent of the $12 billion the Federal Government will spend on programs that support industrial technology commercialization. Where are my colleagues who decry ATP's alleged corporate welfare when we provide almost $1 billion to the Small Business Innovation Research Program [SBIR] or $3.7 billion to the National Institutes of Health [NIH] for applied biomedical research.

If opponents of so-called industrial welfare were serious, we would be debating the widerange of technology commercialization programs which the Government funds. This House has not done this.

Eliminating the ATP is nothing more than a banner for Members who pretend this eliminates government corporate welfare. The CBO numbers show that it is not. Let's be frank. ATP was targeted by the Republican Congress, despite its initiation by a Republican administration, because it was enthusiastically endorsed by Bill Clinton—both as a candidate and as President.

Eliminating ATP funding doesn't say we're willing to make hard choices—it says we're making the simple choices. Eliminating ATP is easy because it is a small program with a small constituency. There has been no

substantives debate in any committee or on the floor of the House regarding the merits of this or related programs. Spouting platitudes, opponents of ATP have killed it for purely political reasons.

□ 1545

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, one of the many reasons for opposing this conference report is because of the threat that it poses to America's economic security. We have in recent years in this country recognized that research and development is a key to our economic future, that if we are to have good-paying jobs for young Americans, we have to invest and invest appropriately in research and development.

This bill, as the gentleman from California [Mr. BROWN] just indicated, is not nearly as bad as the one that went to the conference committee, remains a real setback with reference to applied technology and the investment that is going to be necessary to assure that those good jobs are there in the future.

Over the last 50 years, Mr. Speaker, American know-how and invention have generated up to half of this country's economic growth. Federal support is crucial in assisting this. Millions of jobs have been created in industries because of wise private and public investments, particularly when there has been private and public partnership in areas like semiconductors and biotechnology.

Let us compare what we are doing under this bill with what some of the other countries in the world are doing. In fact, if we are to look specifically at Japan, one of our strongest economic competitors, after this bill is passed, you see that the Japanese are steadily increasing their investment in nondefense research and development, but our investment will go steadily down. It is going in the wrong direction. We do a little investment; they take the ideas and commercialize them, and we end up being the consumers and having a huge trade deficit as a result.

What about other countries throughout Asia that are our economic partners at times, but also our strong economic competitors? If you look at Singapore, if you look at South Korea, if you look at Taiwan, even if you look at India, you see that their commitment to expand their research and development is significantly greater than what our Republican colleagues propose to do under this bill. To suggest that the private sector can pick up all of the slack does not comport with history. Indeed, it is quite the contrary.

Usually when public investment goes up, private investment goes up as well. When you cut key research and development, as this bill does through the irresponsible abolition of the Advanced Technology Program, you will have less private investment as well as less public investment.

The cuts in ATP, in the Environmental Protection Agency's environmental technologies initiative and the Department of Energy's energy efficiency and renewable energy programs all represent a significant setback.

I think the editorial writers across America have been picking up on the wrong this Congress is doing with reference to our investment for America's future. The Republican Dallas Morning News put it very plainly in an editorial appropriately entitled ''Cutting Seed Corn.'' It said, ''These take-no-prisoners cuts are anything but thoughtful. Proposed budget cuts, while having little effect on the deficit,'' because this is a very small part of our national expenditures, ''while having little effect on the deficit, could main this country's network of scientific institutions.''

The New York Times referred to ''the crippling of American science as an irresponsible gamble and a product of those who have been blinded by ideological fury.''

We ought to have bipartisan support for America's economic security, for providing those good jobs, and instead this conference report whittles away at our future and whittles away at the hope that America can provide the top-paying jobs, the quality jobs, and overcome our trade deficit by cutting our research at the same time our trading partners are increasing theirs. It is a mistake, and this conference report ought to be rejected.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I hope we will oppose this rule in the Commerce, Justice, and State appropriation bill here today. I am here to talk about the COPS Program.

Being a former police officer myself, I am very concerned about the COPS Program. It is a program that works. It has been a very successful program. To date, we have hired 26,000 police officers. In every jurisdiction in this country 26,000 police officers have been hired, and here are the cities and how much money was received. We have pending another 18,500 police officers; those applications are currently pending with the Department of Justice. We are halfway to our goal of 100,000 police officers on the street. There is no reason to turn back now.

It is an easy one-page application. Police officers around this country like the program. Money is going directly to them. In fact, over half the communities in the United States have applied for the COPS Program. We have more applications than what we can fund.

What happens in this bill? Look at page 21. Page 21 of this conference report says that if you are a small community like many of the communities I represent, and if your Federal match falls below $10,000, the money is then taken away from the COPS Program and put with the Governors of the State to use in a manner that reduces crime and improves public safety.

When we had this debate on February 14, we asked not to put in an amendment to allow us to build roads, but that was rejected, so you believe, at least the new majority believes, that if you build a new road, you fight crime and you improve public safety. You might have a nice highway, but you certainly do not help any police officers on the street and fight crime in your communities.

So on behalf of the 26,000 police officers throughout this country who have been working at this program, whose jobs now are at risk based upon the proposal put forth by these conferees, we ask that you reject this rule and reject this bill.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Tennessee [Mr. BRYANT], a member of the Committee on the Judiciary.

Mr. BRYANT of Tennessee. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I stand in strong support of this rule and the conference report, and I must respectfully disagree with my colleague, whom I greatly respect, on his comments regarding the COPS Program. No one supports police officers any more than I think anyone in this House, but this COPS Program I do not think has been a success. I think if people look at it closely, they realize that this Federal program does not fully fund these policemen that are going out on the street.

It funds only up to 75 percent and, on average, $25,000 a year of these packages of salaries and retirement benefits. After 3 years, the Federal funding ceases.

Many localities have therefore, as a result of this mandate of putting this much money into the program, have been unable to afford officers under this program. Over 600 localities have turned down the opportunity to hire up to 1,200 officers when faced with the prospect of contributing this kind of money to their salaries. GAO reports indicate that over 7,000 localities did not even apply for the COPS Program.

Another problem with this program is that the COPS money has not been spent or sent to the areas where the statistics show that there is the most violent crime. I think overall in this country we have to realize that we must begin to prioritize our fight against crime, and at the top of the list, of course, has to go violent crime.

As an example, one of the cities that we have before us is the city of Portland, OR, and in Portland, over 56 percent of the crime that is committed in the entire State of Oregon is committed in the city of Portland. Yet under

the COPS Program, they were furnished less than 1 percent of the COPS money that went to the entire State of Oregon.

Again, GAO found no relationship between crime rates and whether an applicant jurisdiction was awarded a grant. That is very important, because again, we have only so much money to go around and communities know this and Washington must learn this, that we must prioritize violent crime at the top and spend money fighting violent crime.

GAO also found that less than 50 percent of the people who receive COPS money ranked violent crime or drug crimes as one of their top five problems. So over half the cases that were getting this money, over half the money, did not list violent crime or drug crime as one of their major offenses. To me, that is incredible, not a waste of assets, but a misuse, and we can find a much better use of these assets in those localities where violent crime at least ranks in the top five crimes in that community. That is why I strongly favor the concept of block grants that is found in our bill.

Block grants allow money to be spent in communities where there is crime and allows communities to spend money in ways that may be hiring more police officers, more equipment, or whatever, but more effective ways to let the local people use the funds in a way that they think is best to fight the crime. What works best in my little hometown of Henderson, TN does not necessarily work best in New York City or Denver, CO.

Let the localities decide how to spend this money when they get it based on their criminal statistics, their rates of crime, their rates of violent crimes, and let them choose how best to use this money.

Another reason I favor this rule and this bill, Mr. Speaker, it also, as I am talking about violent crime, it favors truth-in-sentencing, and it puts the burden back on the States where it belongs. We in the Federal system have too long had to fill in the gap for State prison systems that have broken down. What we do in this bill is provide money to the States as an incentive, if they will go to truth-in-sentencing where a person, if they are sentenced to 10 years, stands some realistic chance of actually serving 10 years in jail. With that incentive, we will offer them money to help construct and build the prisons necessary to house these people.

Yesterday the Wall Street Journal indicated in its editorial page that overall crime statistics are down. Prison populations are up both in the State and in the Federal system. One reason, one clear reason why crime rates are down on the outside is because of two things. One, people are beginning to learn that if you commit a crime, you will go to jail and you will actually serve that time in jail; it serves as a deterrent. Two, many of the people who have been committing these violent crimes are finally locked up in jail as a result of a mandated sentence, a required sentence, and they are in jail where they cannot commit crimes against innocent people.

□ 1600

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, the gentleman was commenting about his district and how crime went down. The Memphis Police Department received 40 police officers underneath this COPS program.

Your district received 82 police officers underneath this COPS program, and you are putting them all at risk if you vote for this bill. You cannot stand here and tell me that crime did not go down in your district with an additional 82 police officers.

Are you saying those 82 police officers did not do anything to help reduce crime in your district? And also Tennessee has pending another 114 police officers at the Justice Department waiting for approval.

Mr. BRYANT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Tennessee.

Mr. BRYANT of Tennessee. Again I would remind my distinguished colleague that the COPS program is only funded for 3 years. And at some point the city of Memphis as well as those others in my district will have to assume full responsibility for that.

Mr. STUPAK. That is correct. Reclaiming my time, you said crime was going down now and it is these 82 additional police officers your district received underneath this program, the COPS program. Not only that, you can go to—Oakland Police Department received one police officer, Galloway City received one police officer. These little communities cannot afford anything without our assistance and you are denying them this assistance.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I am here today to talk about the really astounding and appalling reductions in the Advanced Technology Program. Actually reductions is too sugarcoated: the programs have been wiped out.

This is a program that was initiated in the Bush administration and carried on in the Clinton administration. As we are all aware, we do have a need to get our fiscal house in order. I would suggest that cutting technology investments that have been the basis for job growth and economic growth in this country for the last two decades is going to aggravate severely our economic problems in the future. These cuts are foolhardy indeed.

It is worth noting that our competitors around the world are going in the exact opposite direction. Both Japan and Germany are increasing their expenditures in applied R&D by 30 percent. We are doing an overall cut in science and technology research of 30 percent, creating for us a severe problem.

I am aware that the chairman of the Committee on Science is philosophically opposed to the ATP program. I respect the fact that he is entitled to his faith and his belief, but I also know that every industrialized country in the world is doing the kind of investments that we are cutting in this bill.

We will not pay for the cuts next year. We will not pay for them in 2 years. But 5 years from now, millions of Americans whose employment is tied to prior investments will not be employed, and they will have no one to blame but those who have suggested this foolhardy destruction of our future.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. I thank the gentleman for yielding me the time.

Mr. Speaker, I want to point out that this bill contains the basic authorization that we passed earlier this year in order to have block grants for the communities to let them have the flexibility to decide how to best fight crime in this country. It is the beginning of a 5-year process to produce $10 billion to the cities and the counties of this Nation, not the States but the cities and counties to let them choose whether they want to have more money for cops or whether they want to have more money for equipment or whether they want to have midnight basketball or whatever program it is that is suitable to them.

It is the basic adage that we have been talking about for some time on our side of the aisle, that what is suitable for Portland, OR, is not suitable for Des Moines, IA, or for Jacksonville, FL.

Let us let the cities, let us let the counties decide where best to fight crime on the local level. It also contains the prison grant reorganization that puts incentives out there in so-called truth-in-sentencing that rewards those States who change their laws to make the violent repeat felons serve at least 85 percent of their sentences. It rewards them by giving them money to build more prison beds. In a separate grant it also rewards those States who simply make progress towards that by allowing them some grant money to be able to do that. Fundamental changes in the law, very critical changes in the law necessary to accomplish the end goal of fighting violent crime in this country and stopping the revolving door.

I think the President is making a big mistake if he thinks that he is going to

veto this bill on the basis that somehow it destroys his cops on the streets program. It does not do that.

Mr. President, if you will look at what is going to come out here today and be passed and be sent down eventually for your signature, you are going to find in this bill not a choice between your COPS program and a block grant program but the choice is between 100,000 cops on the streets or 100,000 cops plus even more cops on the streets and more equipment and more flexibility and a better deal with more localities participating. There is going to be a very easy stride to make to get every single one of the cops that you do not have already onto the streets under the block grant program and it is just a better deal for the cities. Under your program, you cap off this system, saying that the cities and the counties and so forth cannot be reimbursed for cops but up to an amount of $75,000 total over 3 years for a single new cop. The average new cop according to the Bureau of Justice statistics costs $50,000 a year to put on the street. That is $150,000, or twice the amount the Government is going to put up under your proposal, what is in law right now, over a 3-year period.

Under the bill we are putting out here today, there is no cap. The local community can have all the money it takes or needs to put a new cop on the street or as many as they want to put on the street. There is no limit. There is a lot more money involved out there. It takes about $3 billion more over the next 3 or 4 years to put the rest of the 100,000 out there, 75,000 more. We have put out more than that. Up to $10 billion will be available for that. In addition to that the communities will only have to match 10 percent of the money instead of 25 percent under yours. So it is a far better program.

I would urge everybody to look at it, especially the President, and decide, we will put 100,000 cops and then some on the street if we adopt the Commerce-Justice-State appropriations bill today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would remind all Members that it is not in order to address the President in debate. Members must address their remarks to the Chair. Although Members may discuss past and present Presidential actions and suggest possible future Presidential actions, they may not directly address the President as in the second person.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I yield to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. I thank the gentlewoman for yielding. To the last speaker, he is jeopardizing 80 police officers in his district, 202 applications pending in Florida, and your bill does not guarantee 1 police officer. All you guarantee is a manner in which reduces crime and improves public safety. Not one police officer is mentioned in your bill.

Mrs. MEEK of Florida. Mr. Speaker, I rise to ask my colleagues in the Congress to vote against this rule and to vote against the bill as well, in that it tears down a legal services system that it took years to build. You know who they are handicapping: The poor, particularly women and children.

So I rise today to appeal to my colleagues to look at the two-pronged attack that this bill makes on legal services. First of all, it cuts the Federal funds for legal services as one attack. Then it restricts the type of legal services that the local legal services organizations can provide with their own funds. So that is a double handicap.

We should not send this message from Congress. We should support the Legal Services Corporation. They help the poor. We will work hard for legal aliens in this country, and we must help to support legal services.

Mr. Speaker, I rise in opposition to this conference report and to the rule governing its consideration.

Mr. Speaker, last year 1,200 neighborhood law offices provided legal services to 1.7 million clients. The majority of these people were women and children living in poverty.

The conference report before us today contains a two-part attack on the Legal Services Corporation, which last year provided about 60 percent of the funds used by neighborhood legal service organizations. The balance of legal services funds comes from private attorneys, foundations, local charities, and State and local governments.

This conference report continues the majority's assault on the weakest members of our society.

The first part of this attack is to reduce Federal funds for the Legal Services Corporation by $122 million. This is a cut of 31 percent.

The second part of this attack is to restrict the type of legal services that the local legal services organizations can provide with their own non-Federal funds.

Let me illustrate the unfair consequences of this restriction by sharing with the House a letter I received yesterday from Marcia Cypen, executive director of Legal Services of Greater Miami. She points out that Legal Services of Miami now uses non-Federal funds to represent aliens. Under this conference report, Legal Services of Miami would have to choose between giving up all Federal funds or else stop representing those aliens who are applying for admission as a refugee or for asylum. Many of these aliens have work permits and are working, but they are too poor to get private legal assistance. They must come to Legal Services of Miami if they have been beaten by their husbands, illegally locked out by their landlords, or cheated by a merchant.

Mr. Speaker, it is one thing for the majority to put restrictions on the use of Federal funds. But it is wrong for the majority to impose its ideological views on services provided by donations from private groups and State and local governments that believe it is important that all poor people have access to our legal system.

I urge my colleagues to vote against the rule and against this conference report.

Mr. Speaker, I include for the RECORD the letter referred to in my remarks and its attachment, as follows:

LEGAL SERVICES OF
GREATER MIAMI, INC.,
Miami, FL, December 5, 1995.

Congresswoman CARRIE P. MEEK,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSWOMAN MEEK: Thank you for requesting our program's input on HR 2076 which includes funding for the Legal Services Corporation in 1996.

A crucial failing of the bill is that it precludes representation of certain classes of aliens with non-LSC funds. The particular classes of aliens affected are listed on the attached page. On a practical level what this means is that we cannot, for example, use non-LSC funds to represent a Haitian woman who is beaten up by her husband, illegally locked out by her landlord, or cheated by a used car dealer if she has applied for political asylum and has a work permit but her political asylum application is still pending. Unfortunately, there are many aliens who remain in this limbo situation for several years.

Approximately five percent of our current non-immigration caseload consists of aliens who will no longer be eligible for legal services with non-LSC funds in 1996. This could be remedied if Section 504(d)(2)(B) were amended to allow non-LSC funds to be used to represent aliens not eligible for representation with LSC funds.

In addition, HR 2076 precludes us from collecting any attorneys fees in 1996. This is inconsistent with the stated goal of reducing LSC's dependency on federal dollars. Our program has relied on income from attorneys fees to bolster our budget, and the lack of this income in 1996 will reduce our services even further.

We appreciate your concern on behalf of the poverty community of Dade County. Please let me know if you need additional information.

Sincerely,

MARCIA K. CYPEN,
Executive Director.

MEMORANDUM

Date: December 5, 1995.
Subject: Ineligible aliens under proposed LSC restrictions.
From: Esther Olavarria Cruz.
To: Marcia Cypen.

I have made two lists, which is necessary to better explain who cannot be represented under the proposed LSC restrictions:

List of aliens who can be represented by LSC under the proposed restrictions:

1. Lawful permanent residents.
2. Aliens who are the spouse, parent, or unmarried child under 21 of a U.S. citizen and have filed applications for permanent residence.
3. Asylees (individuals granted asylum).
4. Refugees.
5. Individuals granted withholding of deportation (higher standard than asylum—very rare).
6. Individuals granted conditional entry before 4/1/80 (old refugee category—almost no aliens now in this category).
7. H–2A agricultural workers (limited to representation in employment contract matters only, such as wages, housing, transportation and other employment rights—very small category).

List of aliens who cannot be represented by LSC under the proposed restrictions:

1. Asylum applicants.
2. Parolees.

3. Special immigrant juveniles (undocumented children adjudicated state dependents because of abandonment, neglect or abuse).
4. Battered spouses of U.S. citizens (unless otherwise eligible under #2 above).
5. Battered spouses of permanent residents.
6. Aliens in exclusion or deportation proceedings.
7. Aliens with immediate U.S. citizen spouses, parents, or unmarried minor children who have not filed for permanent residence.
8. Relatives of permanent residents (unless otherwise eligible above).

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I am always told if it is not broke, why fix it. We have a bill before us that is attempting to fix things that are really not broken.

If we read the editorials across this Nation, we will find constantly decreasing crime numbers. When we read between the lines, we will find out that what has happened in those communities, they have joined in community-oriented policing. How did they manage to do that? By joining in with the 100,000 COPS program.

We find that with a one-page application, you can go into the rural hamlets, the urban centers, and all of them can invest in getting more cops on the street, visible cops that interact with the community, thereby bringing down crime. In my district alone, we have been able to access 529 officers in Houston, some $18 million invested into the local economy, and right now in the State of Texas we have 360 applications pending.

If it is not broke, why fix it? The communities want policing, they want 100,000 cops and they want them to be in their community.

Then we find that this bill wants to cut 31 percent out of the Legal Services Corporation, an institution that we might be able to modify and improve. There is nothing wrong with reducing overhead and making sure that the operational cost is more balanced. But what do we do about family law cases, child custody cases, marital circumstances, senior citizens' cases that the Legal Services Corporation, by and large supported by bar leaders across this Nation, believe that helps people, poor people, access the court system.

Yet this bill makes an unequal America. What it says is that you who can pay can get into the court system but those of you who are the working poor, those of you who have trials and tribulations and deserve a right to access the court system, if you do not have the money, then we are going to knock out the Legal Services Corporation.

It is because someone on the other side of the aisle has a personal agenda and does not want to see poor people address their grievances as a right. I think that goes against the Constitution.

When we begin to talk about the Advanced Technology Program, which I believe is the work of the 21st century, we do not have to look to Japan and Germany. We can look to our own corporations. They are downsizing, they are cutting their research and development departments.

What are your youngsters going to do in the 21st century when they come out with their engineering degrees? The Advanced Technology program interacts and meshes together the private sector with the public sector. It is one of the most viable programs that allows us to advance technology so that our children will have jobs. Why is America putting its head in the sand while its international competitors are investing in technology?

Mr. Speaker, I truly believe this bill is trying to fix what is not broken. We need cops on the beat, we need legal services so that poor people can be equalized with others in this Nation, and I do not know about you, but I want my young people working in the 21st century. I want the Advanced Technology Program to be successfully matching the public and private partnership so that we can be at the cutting edge of technology for the 21st century.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. BARR], a member of the Committee on the Judiciary.

Mr. BARR. I thank the gentleman for yielding me the time.

Mr. Speaker, crime legislation is not normally very exciting. The process of protecting our citizens and seeing that those that perpetrate crimes on our citizens, that take lives, that take property and we put those people away and take them from society is normally not an exciting process.

But this is exciting legislation because for the very first time we have a piece of legislation here that is supported by the broad range of municipal and county officials from both parties, and independent nonpartisan officials all across this country. The National League of Cities, not a Republican, not a Democrat, not a partisan organization supports this approach because it gives their members, their officials, their mayors, their council men and women, their county officials, the power, the flexibility to put the resources where they need them in their communities and that is an exciting prospect because it works. It works because the decision-making is in the hands of the decision-makers in the communities, not up in Washington.

It will also, Mr. Speaker, result in more police officers on the streets in our communities, and that is exciting news.

□ 1615

We have heard very little from the President recently about the 100,000 cops on the streets. We hear a lot about 20,000 troops in Bosnia. The reason that we do not hear so much about those police officers on the street is because they are not getting there. This legislation will put them there, and I would hope that Members on both sides of the aisle will see that providing the flexibility and the power over the decisions ought to be and will be under this legislation, which I support and which I urge adoption, that this legislation will result in more police officers on the street, more and better resources being placed in the hands of our local officials from all parties and nonpartisan, across this country.

I strongly urge us to put aside partisanship. It is not so much that the current system is broken and why fix it. Let us make it better. That is what we are trying to do here is pass better legislation and make the system work better to protect our citizens.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I rise in strong opposition to this rule because of the fact that this conference committee report guts the COPS program. In listening to the arguments of the other side of the aisle, I just cannot believe it, as a former prosecutor.

When this bill was passed in the last Congress it had bipartisan support, bipartisan support. But then the new majority came in and had to make some adjustments to it because they wanted to appear to be changing the crime bill. What did they do? They gut the COPS program.

This program is an extremely effective way to fight crime. In fact, it is the cutting edge, cutting edge of how you rebuild neighborhoods and fight crime in neighborhoods.

I hear talk about the county commissioners can decide how to fight crime. County commissioners are not necessarily experts on the latest techniques in fighting crime. The politicians in cities, they will know how to spend the money. This crime bill is the result of an attorney general who had ability in the front lines in the fight against crime, and with police chiefs across America who used statistical data about how you win the war against crime. That is where it came from.

In a short period of time, 25,000 to 26,000 police officers are already on the streets, and now I hear some of my colleagues on the other side say it really will not work, we just instinctively know it.

In Lowell, MA, we have a community policing program going, and I asked the police chief to provide statistics of what happened since this program was started. Burglaries in residential areas, community policing 1 year, down 34 percent; burglaries in business areas down 41 percent; larcenies down 23 percent; car theft down 20 percent. That is what is happening in communities all across America, and they want to tamper with the crime bill that is working, for pure politics.

Law enforcement and fighting crime is not a political issue. We ought to be working together to implement this crime bill. It is the smartest, most effective crime bill that this country has ever passed.

We are playing games at the last minute because it might give the President some credit on fighting crime. Do the right thing. Vote against this bill.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations.

(Mr. KOLBE asked and was to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I rise in support of this rule and also of the conference report which underlies it.

I want to congratulate the chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS], for the work that he has done, his staff, and the others that worked on this legislation.

We have been advised by the administration that this is likely a candidate for veto. The reasons given are the Cops on the Beat program, the advanced technology program, and the funding levels for peacekeeping.

Mr. Speaker, I would note that this is a responsible, a fiscally responsible piece of legislation. Let me just highlight some of the things in here that I think make this appropriation bill worthwhile, this conference report.

First is the important funds it does provide for law enforcement, in law enforcement grants, to States, nearly $2 billion to State and local law enforcement agencies, giving some flexibility. No, it does not force the Cops on the Beat program. It does not put us in the mind set of saying it has to be this kind of program. But if that is the program the States and local government want to continue, they can continue this with the grants program. They have the flexibility to do the kinds of programs that they think are best.

For my State and many others, there is a large amount of funds in here to provide for reimbursing States for incarcerating illegal aliens. That is a responsibility of the Federal Government, a failure of the Federal Government to enforce immigration laws, and States should be reimbursed for incarceration of illegal aliens in their State and local prisons and jails.

There is funding for 1,000 new border agents so we can control our borders. There is 400 new land inspectors for the Immigration and Naturalization Service in here that helps to facilitate the flow of legitimate goods and services and of individuals across the border. There are important restrictions on the Legal Services Corporation. We begin the process of phasing out the Federal funding for that program and returning this responsibility to States and local governments.

There is important funding for the International Trade Commission, and one that does not get a lot of attention, the State Department, which I think is a vital part of our diplomatic service and our foreign policy. The State Department does not get a lot of attention around this place, but it is vitally important.

I just had the privilege this weekend of taking a trip to Bosnia, to Serbia, to Croatia. I have seen the dedicated service our foreign service people give overseas. They are a vital link in our foreign policy. They also provide vital services for Americans overseas. This bill goes a long way to providing the adequate funding so that they can continue those vital services. No, it is not as much as anybody would like. But I think it is an important step to making sure that our diplomatic functions and our foreign policy is carried out.

This is a responsible bill. It has the right spending priorities. It gives the direction that this Congress should give to States and local governments to provide the flexibility to carry out the law enforcement programs, to provide for the Commerce Department, the vital functions that Commerce now does, and to make sure we have our foreign policy intact through the funding of the State Department.

I urge an ''aye'' vote on this rule and on the conference report.

Mr. MOAKLEY. Mr.Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, you know, block grant, block grant, block grant, block grant. It almost seems like it is a hari krishna chant coming out of the Republican Party. Sometimes what I think we ought to do is give you your way, block grant the blockheads and send you all back to the States.

I look at what is happening in our country today. I look at the kinds of priorities. This bill demonstrates so clearly the difference between the Democratic priorities and the Republican priorities.

What we are saying in this bill is we want to cut the Arms Control and Disarmament Agency by about 35 percent, we want to gut peacekeeping around the world by 57 percent, we want to do these things, and at the same time we want to increase spending on our prisons. Everybody is for spending on prisons. That is fine. But if we really want to fight crime, then we have got to provide the tools to get crime fought at the local level. It means you have to hire more cops.

If we really want to deal with how we are going to create jobs in this country, then anyone that has followed the advanced technologies that have been developed in the United States, whether it is television sets or VCR's, we spend billions of dollars in this country appropriating money to our labs, appropriating money to our universities, to come up with a vast array of significant scientific breakthroughs.

What happens then is we hand it over to the Germans or Japanese or French or somebody else who build all the things. The jobs go overseas. We end up with nothing but the bill for the technology we have created.

The advanced technology program provides that technology so that we can actually convert the technology into jobs for the American people.

We have the GPS system, the global positioning system, which has created tens of thousands of jobs all across this country. It is the exact kind of program where scientific breakthroughs take place. We create jobs here in the United States for the people of this country, advancing not only our technologies but advancing the actual salaries of the people that get those jobs. That is the kind of jobs program we need in this country, that is the kind of jobs that the American people are demanding, and that is the kind of jobs that we are not seeing created as a result of the bizarre priorities that are being put forth by the Republican Party.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding.

The last speaker on the Republican side from Arizona, the Fifth District, they are putting 61 police officers at risk, 85 pending cops applications at risk. And they are saying State and local governments do not know what they are talking. But yet they are applying for this program.

Mr. KENNEDY of Massachusetts. Mr. Speaker, let us not just leave the period at the advanced technologies program. Let us recognize that in this bill we are going to eliminate the U.S. Travel and Tourism Administration. We are going to cut 15 percent from the Economic Development Administration. We are going to cut 36 percent from the Small Business Administration. And we are going to cut 44 percent from the National Telecommunications.

You are clapping, I say to the gentleman from New York [Mr. SOLOMON], because you think those are all wonderful programs to cut. The truth of the matter is if you want good jobs for the people of this country instead of the kind of low-level jobs that the Republicans are so advanced and so great at creating for ordinary working people, they we need to have these kinds of programs to make certain we advance those technologies here in this country.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding me this time.

Yes, we have to clap, because it is so deadly serious that we have to do something about the deficit, and I would just say to you: Where can we slow down spending? We have to do it everywhere we possibly can, I say to the gentleman from Massachusetts

[Mr. KENNEDY], for your kids and for your grandkids and great grandkids. Otherwise, this country is going down the drain. Stick to the balanced budget. It is the biggest problem facing this Nation today.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding me this time.

I would just point out, you are providing a $270 billion tax cut while you are claiming you are for a balanced budget, when you are dumping $7 billion into our national defense budget.

Mr. SOLOMON. Reclaiming my time, $500 in the pocket of my constituents is better than $500 in the pocket of this Congress.

Mr. KENNEDY of Massachusetts. Come on, you are saying you are for a balanced budget at the same time you are for a tax cut. Come on, be honest with the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to talk for a minute or two about this block grant approach because my colleagues should know that running between the States of North Carolina and South Carolina is a wonderful lake, and the last time we had a block grant program, the legal block grant program that was implemented under the Nixon administration, one of the law enforcement officials in South Carolina went out and bought a nice yacht and put it on this lake to use for what he said was crime fighting purposes. I think that was the impetus that led to doing away with the last round of block grant programs.

Now, my colleagues are back with these block grant programs, and they say it is the thing of the future and we are going to control them going into the future. But there is nothing in this bill that is going to stop people from buying yachts and tanks and all of these airplanes, like they did under the last block grant program.

The second point I want to make is my colleagues are going to tell us that they are returning all of this discretion back to the local governments so they can buy these yachts, but I will tell my colleagues that this bill does not return discretion to the local government. What it does is reward States that have incarcerated the most people over the last 3 years. There is a provision here that says, and I quote it, verbatim,

> We are going to give grants to States only that have increased the percentage of persons convicted of violent crimes over the last 3 years; those who have increased the average prison time over the last 3 years.

Well, we are operating, according to a recent newspaper article, the biggest expansion industry in the world is the United States prison system already, and now we are trying to reward people for putting more people in jail rather than coming into line with other civilized countries in the world.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Appropriations.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

I cannot sit here and let the gentleman from Michigan get by with saying that the Cops on the Beat grants that have already been made will be jeopardized. They will not be jeopardized. These grants have already been made. They are out there.

What is being jeopardized, the gentleman should know, is, after 3 more years, all of the COPS grants will be gone. Those communities who now have received moneys will have to pay the entire cost of their cops.

Under our program, they will still be going. The communities only have to pay 10 percent from here on. We pay 90 percent from here on out. If you want to have just cops, wonderful. If your police need bullet-proof vests, under our program they can get them. Under yours, they cannot. If cops need bullets or equipment, they will be able to do it under our program.

Let the decision be made not in Washington by a bureaucrat, but by your police chief. If you cannot trust him, that is your problem, not ours.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, to answer the gentleman from Kentucky, the Fifth District, it was his 25 police agencies that applied for the COPS program and have been awarded that program. It was not Washington telling him to make it. And if he wrote this bill, then he knows nowhere in your bill do you even guarantee one police officer being hired. We have 100,000 guaranteed. Nowhere in your bill does it say your 90/10 provision goes for more than 1 year. We did it for 3 years.

You want technology, bullet-proof vests? COPS more program, equipment technology, civilian employees, all come underneath there. Everything you want is in the COPS program. Just give it some time. Stop playing politics with it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to express my opposition to this conference report and to voice my outrage over the mindless assault that is being launched against the Legal Services Corporation.

The Republican proposal guts Legal Services. Funds will be lost by 31 percent and LSC attorneys handcuffed. This action will deny the poor access to justice, a right guaranteed under our great Constitution.

Many of our colleagues argue we cannot afford programs like the Legal Services Corporation in this time of fiscal constraints. I challenge them, how can we not?

My colleagues, the poor should not be the ones that pay the price for balancing the budget. But that is exactly what will happen if the Legal Services Corporation is so drastically cut.

I urge you to support the efforts of LSC. Our democracy succeeds only when all of our citizens have full access to our legal system.

□ 1630

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, buried on page 127 of this conference report is language designed to reopen the Ocean Dumping Ban Act of 1988. This language was not considered by the House and it was not considered by the Senate, rather it was added by the conferees.

The language on page 127 would have the Federal Government spend taxpayer dollars to develop a demonstration project on the deep ocean isolation of waste, which is a fancy way of saying ocean dumping. This type of study has already been rejected by the Commerce Department, also by the Naval Research Lab. As an environmentalist and as a member of the Resources Subcommittee on Fisheries, Wildlife and Oceans, I am outraged over these efforts to go behind the backs of our subcommittee and the American people to reopen the issue of ocean dumping.

Ocean dumping under current law is illegal. It is irresponsible and wrong to use taxpayer money to fund experiences into ocean dumping of any kind of waste. I would ask my colleagues, let us not threaten the health of our citizens again and the environment just to please some corporate special interests. This is a technology that has been rejected by the government agencies. It is only because some corporate interest decided to spend some money on it that it now appears in this conference report.

Mr. Speaker, I think it is totally inappropriate when neither House, neither appropriations committee considered this language, none of the authorizing committees considered this language, even though there is a bill pending before our subcommittee, and yet now we find it in the conference report. We should vote against the rule just for that reason alone.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume to say that it is my understanding that all time has expired on the other side, and we only have one speaker left on this side. As he goes up to the well, I am sure that he will remind us that this is a debate on the rule. I have not heard

any debate on the rule, but we have heard a lot of debate on a lot of other subjects.

I am sure my distinguished colleague from greater San Dimas, CA, the vice chairman of the committee on Rules, Mr. DREIER, the honorable Mr. DREIER, will be able to use the time well.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I would like to remind him that this is, in fact, the debate on the rule.

Now, having said that, let me say that I believe this is an extraordinarily good conference report. It goes a long way towards dealing with the goals that the American people set forth in the election of November 1994. We have heard people on the other side of the aisle talking about the opportunity and the future of children in this country. This bill, that has been put into place here by the great chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS], has, I believe, made a major step towards reducing our deficit, in that it is $700 million below the level of last year.

Mr. Speaker, I believe that as we look at that kind of fiscal responsibility, it is very, very important to face the fact that an appropriations bill is actually reducing the level of spending and, at the same time, meeting very important priorities. One of the most important, from my perspective, is the fact that the Federal Government heretofore has not stood up and acknowledged its responsibility for a very important problem, that being illegal immigration.

This bill alone deals with two of the three very important prongs that we have been using in legislation over the past several months to address the problem of illegal immigration, and by that I am talking about reimbursement to the States for the incarceration of those who have entered this country illegally. And, also, it is very important for us to realize that toughening up our border patrol is key. There is $300 million in this bill that will go directly, directly towards hiring an additional 1,000 border patrol officers so that we will be able to again have the Federal Government acknowledging its responsibility.

The other very important part of that issue is not in this bill, but it is part of our Republican agenda here, and we are, frankly, doing it in a bipartisan way, and that is eliminating the mandates that have been imposed on the States to deal with issues like that.

So I want to congratulate the gentleman from Kentucky [Mr. ROGERS] for the superb job that he has done on this very difficult bill, for meeting those priorities, and, at the same time, reducing the level of expenditures. I also want to congratulate my friend, the gentleman from Sanibel, FL [Mr. GOSS] for reminding me this is, in fact, the debate on the rule. It is a good bill, and I hope we can vote for it and then move on to the conference report.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 289, I call up the conference report on the bill (H.R. 2076), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXVIII and House Resolution 289, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, December 4, 1995, at page H13874.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia, [Mr. MOLLOHAN] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2076 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are pleased to bring to the floor this conference report. When this bill passed the House on July 26, I described it as being tough on crime and even tougher on spending. The conference report we bring to the House today is, if anything, even tougher on crime and even tougher on spending.

Overall, the conference report provides $27.3 billion, $315 million below the House-passed level. There is $315 million less in spending than when this bill left the House. The bill includes $22.8 billion in discretionary spending, $300 million below the House-passed level; it is $700 million below last year, even after rescissions; and $3.7 million below what the White House requested.

The bill also includes $3.95 billion in the violent crime reduction trust fund. That is $1.6 billion above last year.

In general, the conference report is similar to the bill that passed the House on July 26. The major changes from the House-passed bill are: First, funding for law enforcement is $200 million above the House level; second, it is offset by rescissions of prior year funding totaling minus $200 million; and third, there is a decrease in State/USIA funding, $370 million below the House level due to a lower 602(b) allocation.

Overall, for law enforcement programs, the conference report includes $14.6 billion, which is a 19-percent increase over 1995. More than half of the funding in this bill is for our No. 1 domestic priority, to fight crime and drugs and control illegal immigration. More than half.

The $3.95 billion in crime trust funds provides major new initiatives to help States and local authorities fight crime. This includes $1.9 billion for the local law enforcement block grants, much discussed here in this body, passed by the House in February as a part of the Contract With America, to give cities and towns the resources they need to fight crime as they see fit to do it—to do what they deem wise, not what we in Washington deem wise for them.

The major difference between this block grant and the COPS Program is not whether there will be more police on the Streets. Both programs put more cops on the streets. The difference is about control, whether we want a Washington-knows-best cookie cutter program or a local empowerment program. This conference report chooses local control.

There is $671 million for the new State prison grant program, based on truth-in-sentencing, which rewards those States that keep prisoners locked up for 85 percent of their sentences. We will give them the money to build the prisons to put those violent criminals behind bars for most of the time a jury sentences them to.

We put $535 million for Byrne grants for locals to use to fight against crime.

For the first time, Mr. Speaker, we are funding $175 million to help with the fight against violence against women; $50 million above the House level and the full amount of the President's request.

I cannot believe the President says he wants to veto a bill that funds violence against women grants to the exact penny he requested of us. More than 100 Members of Congress have written in favor of that program on both sides of the aisle. If Members vote against this conference report or if the President vetoes this bill, they will be voting and fighting against funding for these programs.

Mr. Speaker, the conference report carries two legislative provisions added by the Senate. The authorization for that truth-in-sentencing prison grant program and a provision to stop abusive, frivolous and expensive lawsuits by prisoners in jail.

The conference report continues the House bill's emphasis on enforcing our immigration laws. It includes a $300

million increase over 1995 for the immigration service to hire 3,000 new personnel, including 1,000 new and redeployed border patrol agents on the border to stem the tide of illegal immigration.

□ 1645

And, we are reimbursing States for the costs of jailing criminal aliens who commit crimes in their States. This is of major importance to the States of California, Texas, New York, and Florida especially. And if the President should veto this bill, he is saying to the people of California and to the people of Texas and to the people of Florida and New York, ''We don't care about your expenses. You go ahead and pay the bills for these people who are breaking our boundaries and committing crimes in your States. We are not going to pay you.'' That is what he is saying when he vetoes this bill.

Most importantly, Mr. Speaker, this report provides increases of $571 million over 1995 for Federal law enforcement, the FBI, the Drug Enforcement Administration, U.S. attorneys, and Federal prisons, to sustain the current personnel and to provide enhancements to help them do their job.

Overall, this is the toughest anticrime, antidrug legislation this Congress has ever produced. But as tough as the bill is on crime, it is even tougher on spending reductions in lower priority areas.

The Department of Commerce is funded at $3.4 billion, a reduction of 15 percent and below the House-passed level.

The conference report funds manufacturing extension centers at $80 million, but doesn't fund Advanced Technology Program.

There are significant reductions throughout Commerce, including: EDA, down 21 percent to $348 million; MBDA, down 27 percent to $32 million; and Department Administration, down 20 percent to $29 million.

NOAA is funded at $1.8 billion, $58 million below 1995.

The conference report includes a provision requiring funding to reflect Commerce Department reorganization, upon enactment of that legislation.

We conform in this report international spending to budget realities, reducing the State, USIA, and Arms Control accounts from $5.7 to $4.8 billion, a 15-percent decrease below last year, while preserving their core functions. And we zero out the agency of the United Nations called UNIDO, an agency that the administration the other day said the United States would withdraw from; a good thing because we are not going to give them any money for it. It is zero in this bill.

We keep the House funding level for Legal Services at $278 million compared to the Senate's $340 million, but we restrict those funds so they are not abused by that agency. We reduce funding for the SBA by 35 percent.

We prohibit expansion of the Vietnam Embassy construction unless the President certifies that Vietnam is fully cooperating on MIA–POW issues.

Those are some of the highlights of the bill, Mr. Speaker.

We have no choice but to move forward. The administration has refused to confer with us for these months and all of this year on what they want in the bill. They simply sit back and say we are going to veto it unless we get our way on COPS. They are sort of in a pique about that one. It is a political thing. It is sort of, I guess, his version of getting off Air Force One last. I wish he would get over this pique and get on with the business of legislating and protecting our country against crime and drugs. That is what this bill is all about.

So I urge all Members who care about issues in this bill, from violence against women programs to small business assistance, to help move this process forward and pass this conference report.

I want to thank the members of the subcommittee, the gentleman from Arizona [Mr. KOLBE], the gentleman from North Carolina [Mr. TAYLOR], the gentleman from Ohio, [Mr. REGULA], the gentleman from New York [Mr. FORBES], the gentleman from Colorado [Mr. SKAGGS], the gentleman from California [Mr. DIXON], the full committee chairman, the gentleman from Louisiana [Mr. LIVINGSTON], the ranking member, the gentleman from Wisconsin [Mr. OBEY], and especially the ranking minority member, the gentleman from West Virginia [Mr. MOLLOHAN], a friend and colleague, a tremendous advocate, and a great assist to me on this bill.

I want to thank staff, Jim Kulikowski, our chief of staff, Sally Chadbourne, Theresa McAuliffe, Kim Wolterstorff, Mac Coffield, Jennifer Miller, and on the minority side, Mark Murray, Liz Whyte, and Sally Gaines, for long, long and hard dedicated work.

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expense: 1/						
Direct appropriation	119,643,000	73,229,000	74,282,000	74,282,000	74,282,000	-45,361,000
(By transfer)	.....	.....	.....	(11,000,000)	.....	.....
Crime trust fund	17,400,000	15,500,000	.....	.....	.....	-17,400,000
Total, Salaries and expenses	137,043,000	88,729,000	74,282,000	74,282,000	74,282,000	-62,761,000
Working capital fund (rescission)	-5,500,000	.....	.....	.....	.....	+5,500,000
Police Corps (Crime trust fund)	.....	.....	.....	10,000,000	.....	.....
Counterterrorism fund	34,220,000	26,398,000	26,898,000	26,898,000	16,898,000	-17,322,000
Administrative review and appeals: 1/						
Direct appropriation	.....	54,336,000	39,736,000	72,319,000	38,886,000	+38,886,000
Crime trust fund	.....	33,180,000	47,780,000	14,347,000	47,780,000	+47,780,000
Total, Administrative review and appeals	.....	87,516,000	87,516,000	86,666,000	86,666,000	+86,666,000
Office of Inspector General	30,484,000	36,744,000	30,484,000	27,436,000	26,960,000	-1,524,000
Total, General administration	196,247,000	239,387,000	219,180,000	225,282,000	206,806,000	+10,559,000
Appropriations	(184,347,000)	(190,707,000)	(171,400,000)	(200,935,000)	(159,026,000)	(-25,321,000)
Crime trust fund	(17,400,000)	(48,680,000)	(47,780,000)	(24,347,000)	(47,780,000)	(+30,380,000)
United States Parole Commission						
Salaries and expenses	7,450,000	6,781,000	5,446,000	5,446,000	5,446,000	-2,004,000
Legal Activities						
General legal activities:						
Direct appropriation	416,834,000	437,060,000	401,929,000	406,529,000	401,929,000	-14,905,000
(By transfer)	.....	.....	.....	.....	(12,000,000)	(+12,000,000)
Crime trust fund	4,600,000	7,591,000	7,591,000	2,991,000	7,591,000	+2,991,000
Total, General legal activities	(421,434,000)	(444,651,000)	(409,520,000)	(409,520,000)	(421,520,000)	(+86,000)
Vaccine injury compensation trust fund	2,500,000	4,028,000	4,028,000	4,028,000	4,028,000	+1,528,000
Independent counsel (permanent, indefinite)	4,000,000	2,884,000	2,884,000	2,884,000	2,884,000	-1,116,000
Civil liberties public education fund	5,000,000	5,000,000	.....	.....	.....	-5,000,000
Antitrust Division	85,143,000	91,752,000	85,143,000	85,143,000	85,143,000	.....
Offsetting fee collections - carryover	-4,500,000	.....	-16,000,000	-16,000,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,282,000	-48,282,000	-48,282,000	-48,282,000	-8,822,000
Direct appropriation	41,003,000	43,490,000	20,861,000	20,861,000	17,521,000	-23,482,000
United States Attorneys:						
Direct appropriation	829,024,000	909,463,000	896,825,000	909,463,000	895,509,000	+66,485,000
Emergency appropriations (P.L. 104-19)	2,000,000	.....	.....	.....	.....	-2,000,000
Violent crime task force	15,000,000	15,000,000	.....	.....	.....	-15,000,000
Crime trust fund	6,800,000	14,731,000	14,731,000	30,000,000	30,000,000	+23,200,000
Total, United States Attorneys	852,824,000	939,194,000	911,556,000	939,463,000	925,509,000	+72,685,000
United States Trustee System Fund	103,183,000	109,245,000	101,596,000	103,183,000	102,390,000	-793,000
Offsetting fee collections	-40,597,000	-44,191,000	-44,191,000	-44,191,000	-44,191,000	-3,594,000
Direct appropriation	62,586,000	65,054,000	57,405,000	58,992,000	58,199,000	-4,387,000
Foreign Claims Settlement Commission	830,000	905,000	830,000	905,000	830,000	.....
United States Marshals Service:						
Direct appropriation	396,782,000	446,867,000	418,973,000	439,839,000	423,248,000	+26,466,000
Crime trust fund	.....	16,500,000	25,000,000	15,000,000	25,000,000	+25,000,000
Total, United States Marshals Service	396,782,000	463,367,000	443,973,000	454,839,000	448,248,000	+51,466,000
Federal Prisoner Detention	296,753,000	295,331,000	250,331,000	295,331,000	252,820,000	-43,933,000
(Prior year carryover)	.....	.....	.....	.....	(33,511,000)	(+33,511,000)
(By transfer)	.....	.....	.....	.....	(9,000,000)	(+9,000,000)
Total, Federal prisoner detention	(296,753,000)	(295,331,000)	(250,331,000)	(295,331,000)	(295,331,000)	(-1,422,000)
Fees and expenses of witnesses	77,982,000	85,000,000	85,000,000	85,000,000	85,000,000	+7,018,000
Community Relations Service 2/	20,379,000	20,695,000	.....	10,838,000	5,319,000	-15,060,000
Assets forfeiture fund	50,000,000	55,000,000	35,000,000	35,000,000	30,000,000	-20,000,000
Total, Legal activities	2,232,073,000	2,424,619,000	2,221,408,000	2,317,261,000	2,239,678,000	+7,605,000
Appropriations	(2,220,673,000)	(2,385,797,000)	(2,174,086,000)	(2,269,290,000)	(2,177,287,000)	(-43,386,000)
Crime trust fund	(11,400,000)	(38,822,000)	(47,322,000)	(47,991,000)	(62,391,000)	(+51,191,000)

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Radiation Exposure Compensation						
Administrative expenses	2,655,000	2,655,000	2,655,000	2,655,000	2,655,000	
Advance appropriation		2,655,000				
Payment to radiation exposure compensation trust fund		16,264,000				
Advance appropriation		30,000,000	16,264,000	16,264,000	16,264,000	+16,264,000
Total, Radiation Exposure Compensation	2,655,000	51,574,000	18,919,000	18,919,000	18,919,000	+16,264,000
Interagency Law Enforcement						
Interagency crime and drug enforcement	374,943,000	378,473,000	374,943,000	359,843,000	359,843,000	-15,100,000
Federal Bureau of Investigation						
Salaries and expenses	2,038,774,000	2,305,387,000	2,084,857,000	2,098,426,000	2,002,438,000	-36,336,000
(By transfer)					(22,000,000)	(+22,000,000)
Emergency appropriations (P.L. 104-19)	77,140,000					-77,140,000
Counterintelligence and national security	80,421,000	82,224,000	82,224,000	121,345,000	102,345,000	+21,924,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	84,400,000	84,400,000	
Digital telephony (crime trust fund)		33,400,000	50,000,000	50,000,000	33,400,000	+33,400,000
Other initiatives (crime trust fund)		13,100,000	30,800,000	152,500,000	184,900,000	+184,900,000
Construction		99,259,000	96,400,000	96,800,000	97,589,000	+97,589,000
Total, Federal Bureau of Investigation	2,280,735,000	2,617,770,000	2,430,481,000	2,605,471,000	2,505,072,000	+224,337,000
Appropriations	(2,280,735,000)	(2,571,270,000)	(2,349,881,000)	(2,402,971,000)	(2,286,772,000)	(+6,037,000)
Crime trust fund		(46,500,000)	(80,600,000)	(202,500,000)	(218,300,000)	(+218,300,000)
Drug Enforcement Administration						
Salaries and expenses	799,944,000	845,409,000	826,729,000	837,241,000	792,909,000	-7,035,000
Diversion control fund	-43,431,000	-47,241,000	-47,241,000	-47,241,000	-47,241,000	-3,810,000
Direct appropriation	756,513,000	798,168,000	781,488,000	790,000,000	745,668,000	-10,845,000
Crime trust fund		12,000,000	12,000,000	60,000,000	60,000,000	+60,000,000
Total, Drug Enforcement Administration	756,513,000	810,168,000	793,488,000	850,000,000	805,668,000	+49,155,000
Immigration and Naturalization Service						
Salaries and expenses:						
Direct appropriation	1,101,475,000	1,453,471,000	1,421,481,000	953,934,000	1,394,825,000	+293,350,000
Border Patrol:						
Direct appropriation			(494,700,000)	489,200,000	(508,800,000)	(+508,800,000)
Crime trust fund			(78,000,000)	10,300,000	(78,000,000)	(+78,000,000)
New offsetting fees				(117,000,000)		
Subtotal, Border patrol			(572,700,000)	(616,500,000)	(584,800,000)	(+584,800,000)
Immigration initiative (crime trust fund)	100,800,000	335,498,000	182,842,000	54,279,000	182,828,000	+82,028,000
Border control system modernization (crime trust fund)	154,600,000		150,900,000	111,063,000	153,570,000	-1,030,000
Subtotal, Direct and crime trust fund	(1,356,875,000)	(1,788,969,000)	(1,725,023,000)	(1,735,796,000)	(1,711,023,000)	(+354,348,000)
Fee accounts:						
Immigration legalization fund	(3,482,000)	(1,823,000)	(1,823,000)	(1,823,000)	(1,823,000)	(-1,659,000)
Immigration user fee	(330,952,000)	(357,084,000)	(357,084,000)	(357,084,000)	(357,084,000)	(+26,132,000)
Land border inspection fund	(1,584,000)	(5,965,000)	(5,965,000)	(5,965,000)	(5,965,000)	(+4,381,000)
Immigration examinations fund	(291,097,000)	(304,572,000)	(440,160,000)	(440,160,000)	(440,160,000)	(+149,063,000)
Cuban/Haitian resettlement (examinations fund)			(10,057,000)	(10,057,000)	(10,057,000)	(+10,057,000)
Breached bond fund	(6,200,000)	(6,358,000)	(6,358,000)	(6,358,000)	(6,358,000)	(+158,000)
Subtotal, Fee accounts	(633,315,000)	(675,802,000)	(821,447,000)	(821,447,000)	(821,447,000)	(+188,132,000)
Construction	50,000,000		11,000,000	35,000,000	25,000,000	-25,000,000
Immigration Emergency Fund	30,000,000					-30,000,000
Total, Immigration and Naturalization Service	(2,089,990,000)	(2,464,771,000)	(2,557,470,000)	(2,592,243,000)	(2,557,470,000)	(+467,480,000)
Appropriations	(1,181,475,000)	(1,453,471,000)	(1,432,481,000)	(1,478,134,000)	(1,419,825,000)	(+238,350,000)
Crime trust fund	(255,200,000)	(335,498,000)	(303,542,000)	(175,662,000)	(316,198,000)	(+60,998,000)
(Fee accounts)	(633,315,000)	(675,802,000)	(821,447,000)	(938,447,000)	(821,447,000)	(+188,132,000)
Federal Prison System						
Salaries and expenses	2,353,597,000	2,630,259,000	2,614,578,000	2,614,578,000	2,614,578,000	+260,981,000
Prior year carryover	-30,000,000		-40,000,000	-40,000,000	-47,000,000	-17,000,000
Direct appropriation	2,323,597,000	2,630,259,000	2,574,578,000	2,574,578,000	2,567,578,000	+243,981,000
Crime trust fund		13,500,000	13,500,000	13,500,000	13,500,000	+13,500,000
Total, Salaries and expenses	2,323,597,000	2,643,759,000	2,588,078,000	2,588,078,000	2,581,078,000	+257,481,000
National Institute of Corrections	10,302,000	10,158,000		8,000,000		-10,302,000
Buildings and facilities	276,301,000	323,728,000	323,728,000	349,410,000	334,728,000	+58,427,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
Total, Federal Prison System	2,610,200,000	2,977,845,000	2,911,808,000	2,945,488,000	2,915,808,000	+305,608,000
Office of Justice Programs						
Justice Assistance:						
Direct appropriation	97,977,000	102,345,000	97,977,000	102,345,000	99,977,000	+2,000,000
Crime trust fund:						
Violence Against Women Grants	26,000,000	174,900,000	124,500,000	175,000,000	174,500,000	+148,500,000
Rural law enforcement	.....	10,252,000	.....	10,000,000	.....	.....
Crime prevention	.....	30,000,000	.....	30,000,000	.....	.....
Model intensive prevention	.....	48,216,000	.....	.....	.....	.....
State prison drug treatment	.....	27,000,000	27,000,000	27,000,000	27,000,000	+27,000,000
Other crime control programs	.....	4,426,000	900,000	900,000	900,000	+900,000
Subtotal, Crime trust fund	26,000,000	294,794,000	152,400,000	242,900,000	202,400,000	+176,400,000
Total, Justice Assistance	123,977,000	397,139,000	250,377,000	345,245,000	302,377,000	+178,400,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	62,000,000	50,000,000	50,000,000	30,000,000	60,000,000	-2,000,000
Byrne grants (formula)	.....	190,000,000	.....	250,000,000	326,000,000	+326,000,000
State identification grants	.....	.....	.....	60,000,000	.....	.....
Weed and seed fund	13,456,000	5,000,000	(23,500,000)	(43,500,000)	(28,500,000)	-13,456,000
Subtotal, Direct appropriations	75,456,000	245,000,000	50,000,000	340,000,000	388,000,000	+312,544,000
Crime trust fund:						
State and local block grants:						
Byrne grants (discretionary)	.....	.....	.....	50,000,000	.....	.....
Byrne grants (formula)	450,000,000	260,000,000	475,000,000	225,000,000	147,000,000	-303,000,000
Community policing	1,300,000,000	1,902,964,000	.....	1,690,000,000	.....	-1,300,000,000
Local law enforcement block grant	.....	.....	1,950,000,000	.....	1,903,000,000	+1,903,000,000
Subtotal, State and local block grants	1,750,000,000	2,162,964,000	2,425,000,000	1,965,000,000	2,050,000,000	+300,000,000
Upgrade criminal history records	100,000,000	25,000,000	25,000,000	25,000,000	25,000,000	-75,000,000
State prison grants	24,500,000	500,000,000	500,000,000	726,800,000	617,500,000	+593,000,000
State criminal alien incarceration program	130,000,000	300,000,000	300,000,000	300,000,000	300,000,000	+170,000,000
Youthful offender incarceration	.....	9,643,000	19,643,000	15,000,000	.....	.....
Drug courts	11,900,000	150,000,000	.....	100,000,000	.....	-11,900,000
Ounce of Prevention Council	1,500,000	.....	.....	2,000,000	.....	-1,500,000
Other crime control programs	.....	28,799,000	13,700,000	13,300,000	12,700,000	+12,700,000
Subtotal, Crime trust fund	2,017,900,000	3,174,406,000	3,283,343,000	3,147,100,000	3,005,200,000	+987,300,000
Total, State and local law enforcement	2,093,356,000	3,419,406,000	3,333,343,000	3,487,100,000	3,393,200,000	+1,299,844,000
Juvenile justice programs	155,250,000	148,500,000	148,500,000	148,500,000	148,500,000	-6,750,000
Crime trust fund	.....	.....	.....	(20,000,000)	.....	.....
Total, Juvenile justice programs	(155,250,000)	(148,500,000)	(148,500,000)	(168,500,000)	(148,500,000)	(-6,750,000)
Public safety officers benefits program:						
Death benefits	27,845,000	28,474,000	28,474,000	28,474,000	28,474,000	+629,000
Disability benefits	2,072,000	2,134,000	2,134,000	2,134,000	2,134,000	+62,000
Total, Office of Justice Programs	2,402,300,000	3,995,653,000	3,762,828,000	4,011,453,000	3,874,885,000	+1,472,385,000
Appropriations	(358,400,000)	(526,453,000)	(327,085,000)	(621,453,000)	(667,085,000)	(+308,685,000)
Crime trust fund	(2,043,900,000)	(3,469,200,000)	(3,435,743,000)	(3,390,000,000)	(3,207,800,000)	(+1,163,700,000)
Total, title I, Department of Justice	12,299,791,000	15,291,039,000	14,474,522,000	14,992,979,000	14,668,146,000	+2,368,355,000
Appropriations	(9,977,391,000)	(11,326,839,000)	(10,534,035,000)	(11,078,979,000)	(10,742,177,000)	(+764,786,000)
Crime trust fund	(2,327,900,000)	(3,964,200,000)	(3,940,487,000)	(3,914,000,000)	(3,925,969,000)	(+1,598,069,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	20,949,000	20,949,000	20,949,000	20,889,000	20,889,000	-60,000
International Trade Commission						
Salaries and expenses	42,500,000	47,177,000	42,500,000	34,000,000	40,000,000	-2,500,000
Total, Related agencies	63,449,000	68,126,000	63,449,000	54,889,000	60,889,000	-2,560,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
International Trade Administration						
Operations and administration	266,093,000	279,558,000	264,885,000	266,079,000	264,885,000	-1,208,000
Export Administration						
Operations and administration	38,644,000	48,441,000	38,644,000	38,604,000	38,604,000	-40,000
Economic Development Administration						
Economic development assistance programs	382,783,000	407,783,000	328,500,000	89,000,000	328,500,000	-54,283,000
Emergency rescission (P.L. 104-19)	-5,250,000					+5,250,000
Salaries and expenses	32,144,000	31,183,000	20,000,000	11,000,000	20,000,000	-12,144,000
Total, Economic Development Administration	409,677,000	438,966,000	348,500,000	100,000,000	348,500,000	-61,177,000
Minority Business Development Agency						
Minority business development	43,789,000	47,921,000	32,000,000	32,789,000	32,000,000	-11,789,000
United States Travel and Tourism Administration						
Salaries and expenses	16,326,000	16,303,000	2,000,000	12,000,000	2,000,000	-14,326,000
Total, Trade and Infrastructure Development	837,980,000	899,315,000	749,478,000	504,361,000	746,878,000	-91,102,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	46,896,000	57,220,000	40,000,000	46,896,000	45,900,000	-996,000
Economics and statistics administration revolving fund	1,677,000					-1,677,000
Bureau of the Census						
Salaries and expenses	136,000,000	144,812,000	136,000,000	133,812,000	133,812,000	-2,188,000
Periodic censuses and programs	142,083,000	193,450,000	135,000,000	193,450,000	150,300,000	+8,217,000
Total, Bureau of the Census	278,083,000	338,262,000	271,000,000	327,262,000	284,112,000	+6,029,000
National Telecommunications and Information Administration						
Salaries and expenses	20,961,000	22,932,000	19,709,000	8,000,000	17,000,000	-3,961,000
(By transfer)				(9,000,000)		
Public broadcasting facilities, planning and construction	28,963,000	7,959,000	19,000,000	10,000,000	15,500,000	-13,463,000
Endowment for Children's Educational Television	2,499,000	2,502,000				-2,499,000
Information infrastructure grants	44,982,000	99,912,000	40,000,000	18,900,000	21,500,000	-23,482,000
Total, National Telecommunications and Information Administration	97,405,000	133,305,000	78,709,000	36,900,000	54,000,000	-43,405,000
Patent and Trademark Office						
Salaries and expenses	82,324,000	110,868,000	90,000,000	82,324,000	82,324,000	
Total, Economic and Information Infrastructure	506,385,000	639,655,000	479,709,000	493,382,000	466,336,000	-40,049,000
SCIENCE AND TECHNOLOGY						
National Institute of Standards and Technology						
Scientific and technical research and services	247,486,000	310,679,000	263,000,000	222,737,000	259,000,000	+11,514,000
Industrial technology services	418,373,000	642,458,000	81,100,000	101,800,000	80,000,000	-338,373,000
Construction of research facilities	34,639,000	69,913,000	60,000,000	27,000,000	60,000,000	+25,361,000
Total, National Institute of Standards and Technology	700,498,000	1,023,050,000	404,100,000	351,337,000	399,000,000	-301,498,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities 3/	1,805,092,000	2,021,135,000	1,724,452,000	1,809,092,000	1,795,677,000	-9,415,000
Offsetting collections - fees	-6,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	+3,000,000
Direct appropriation	1,799,092,000	2,018,135,000	1,721,452,000	1,806,092,000	1,792,677,000	-6,415,000
(By transfer from Promote and Develop Fund)	(55,500,000)	(55,500,000)	(57,500,000)	(62,000,000)	(63,000,000)	(+7,500,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	6,500,000	3,900,000	3,900,000	3,900,000	3,900,000	-4,600,000
(Damage assessment and restoration revolving fund)	-1,500,000	-3,900,000	-3,900,000	-3,900,000	-3,900,000	-2,400,000
Total, Operations, research and facilities	1,806,092,000	2,018,135,000	1,721,452,000	1,806,092,000	1,792,677,000	-13,415,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	
Construction	82,254,000	52,299,000	42,731,000	50,000,000	50,000,000	-32,254,000
Fleet modernization, shipbuilding and conversion	22,936,000	23,347,000	8,000,000	8,000,000	8,000,000	-14,936,000
GOES satellite contingency fund (rescission)	-2,500,000					+2,500,000
Fishing vessel and gear damage fund	1,273,000	1,282,000	1,032,000	1,032,000	1,032,000	-241,000
Fishermen's contingency fund	999,000	1,000,000	999,000	999,000	999,000	

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Foreign fishing observer fund	400,000	396,000	196,000	196,000	196,000	-204,000
Fishing vessel obligations guarantees	250,000	250,000	.....	250,000	250,000	.....
Total, National Oceanic and Atmospheric Administration	1,911,704,000	2,096,709,000	1,774,410,000	1,868,569,000	1,853,154,000	-58,550,000
Technology Administration						
Salaries and expenses	8,242,000	13,906,000	5,000,000	5,000,000	5,000,000	-3,242,000
National Technical Information Service						
NTIS revolving fund	7,000,000	.....	.....	.....	.....	-7,000,000
Total, Science and Technology	2,627,444,000	3,133,665,000	2,183,510,000	2,222,906,000	2,257,154,000	-370,290,000
General Administration						
Salaries and expenses	36,471,000	35,826,000	29,100,000	29,100,000	29,100,000	-7,371,000
Office of Inspector General	16,887,000	22,249,000	21,849,000	19,849,000	19,849,000	+2,962,000
Total, General administration	53,358,000	58,075,000	50,949,000	48,949,000	48,949,000	-4,409,000
Transition fund	.....	.....	.....	20,000,000	.....	.....
National Institute of Standards and Technology						
Construction of research facilities (rescission)	.....	.....	.....	-152,993,000	-75,000,000	-75,000,000
Total, Department of Commerce	3,981,718,000	4,662,584,000	3,400,197,000	3,081,716,000	3,383,428,000	-578,290,000
Total, title II, Department of Commerce and related agencies	4,025,167,000	4,730,710,000	3,463,646,000	3,136,605,000	3,444,317,000	-580,850,000
(By transfer)	(55,500,000)	(55,500,000)	(57,500,000)	(71,000,000)	(63,000,000)	(+7,500,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,657,000	1,662,000	1,662,000	1,662,000	1,662,000	+5,000
Other salaries and expenses	22,583,000	24,172,000	24,172,000	24,172,000	24,172,000	+1,589,000
Total, Salaries and expenses	24,240,000	25,834,000	25,834,000	25,834,000	25,834,000	+1,594,000
Care of the building and grounds	3,000,000	4,003,000	3,313,000	3,313,000	3,313,000	+313,000
Total, Supreme Court of the United States	27,240,000	29,837,000	29,147,000	29,147,000	29,147,000	+1,907,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,758,000	1,892,000	1,892,000	1,892,000	1,892,000	+134,000
Other salaries and expenses	11,680,000	13,603,000	12,178,000	12,396,000	12,396,000	+716,000
Total, Salaries and expenses	13,438,000	15,495,000	14,070,000	14,288,000	14,288,000	+850,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,385,000	1,413,000	1,413,000	1,413,000	1,413,000	+28,000
Other salaries and expenses	9,300,000	9,446,000	9,446,000	9,446,000	9,446,000	+146,000
Total, Salaries and expenses	10,685,000	10,859,000	10,859,000	10,859,000	10,859,000	+174,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	220,426,000	226,024,000	226,024,000	226,024,000	226,024,000	+5,598,000
Other salaries and expenses	2,119,699,000	2,419,941,000	2,183,000,000	2,220,170,665	2,207,117,000	+87,418,000
Direct appropriation	2,340,127,000	2,645,965,000	2,409,024,000	2,446,194,665	2,433,141,000	+93,014,000
Crime trust fund	.....	30,700,000	41,500,000	30,000,000	30,000,000	+30,000,000
Total, Salaries and expenses	2,340,127,000	2,676,665,000	2,450,524,000	2,476,194,665	2,463,141,000	+123,014,000
Vaccine Injury Compensation Trust Fund	2,250,000	2,320,000	2,318,000	2,318,000	2,318,000	+68,000
Defender services	240,500,000	295,761,000	260,000,000	274,433,000	267,217,000	+26,717,000
Fees of jurors and commissioners	54,346,000	72,008,000	59,028,000	59,028,000	59,028,000	+4,682,000
Court security	97,000,000	116,433,000	109,724,000	102,000,000	102,000,000	+5,000,000
Emergency appropriations (P.L. 104-19)	16,640,000	.....	.....	.....	.....	-16,640,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,750,863,000	3,163,187,000	2,881,594,000	2,913,973,665	2,893,704,000	+142,841,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Administrative Office of the United States Courts						
Salaries and expenses	47,500,000	53,445,000	47,500,000	47,500,000	47,500,000	.....
Federal Judicial Center						
Salaries and expenses	18,828,000	20,771,000	18,828,000	17,000,000	17,914,000	-914,000
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	28,475,000	32,900,000	32,900,000	32,900,000	32,900,000	+4,425,000
United States Sentencing Commission						
Salaries and expenses	8,800,000	9,500,000	8,500,000	8,500,000	8,500,000	-300,000
Total, title III, the Judiciary	2,905,829,000	3,335,994,000	3,043,398,000	3,074,167,665	3,054,812,000	+148,983,000
Appropriations	(2,905,829,000)	(3,305,294,000)	(3,001,898,000)	(3,044,167,665)	(3,024,812,000)	(+118,983,000)
Crime trust fund	.....	(30,700,000)	(41,500,000)	(30,000,000)	(30,000,000)	(+30,000,000)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,724,628,000	1,748,438,000	1,716,878,000	1,687,800,000	1,708,800,000	-15,828,000
Security enhancements	.....	9,720,000	9,720,000	9,720,000	9,720,000	+9,720,000
Registration fees	700,000	700,000	700,000	700,000	700,000	.....
Total, Diplomatic and consular programs	1,725,328,000	1,758,858,000	1,727,298,000	1,698,220,000	1,719,220,000	-6,108,000
Salaries and expenses	383,972,000	372,480,000	363,276,000	368,000,000	363,276,000	-20,696,000
Security enhancements	.....	1,870,000	1,870,000	1,870,000	1,870,000	+1,870,000
Total, Salaries and expenses	383,972,000	374,350,000	365,146,000	369,870,000	365,146,000	-18,826,000
Transition fund	.....	.....	.....	5,000,000	.....	.....
Capital investment fund	.....	32,800,000	16,400,000	16,400,000	16,400,000	+16,400,000
Office of Inspector General	23,850,000	24,250,000	27,369,000	24,350,000	27,369,000	+3,519,000
Representation allowances	4,780,000	4,800,000	4,780,000	4,500,000	4,500,000	-280,000
Protection of foreign missions and officials	9,579,000	8,579,000	8,579,000	8,579,000	8,579,000	-1,000,000
Security and maintenance of United States missions	391,780,000	421,780,000	391,780,000	389,880,000	385,780,000	-6,000,000
Emergencies in the diplomatic and consular service	6,500,000	6,000,000	6,000,000	6,000,000	6,000,000	-500,000
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	593,000	593,000	.....
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	(741,000)	.....
Administrative expenses	183,000	183,000	183,000	183,000	183,000	.....
Total, Repatriation loans program account	776,000	776,000	776,000	776,000	776,000	.....
Payment to the American Institute in Taiwan	15,465,000	15,465,000	15,165,000	15,165,000	15,165,000	-300,000
Payment to the Foreign Service Retirement and Disability Fund	129,321,000	125,402,000	125,402,000	125,402,000	125,402,000	-3,919,000
Total, Administration of Foreign Affairs	2,691,331,000	2,773,040,000	2,688,975,000	2,644,122,000	2,674,317,000	-17,014,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	872,661,000	923,057,000	858,000,000	550,000,000	700,000,000	-172,661,000
Contributions for international peacekeeping activities, current year assessment	518,687,000	445,000,000	425,000,000	225,000,000	225,000,000	-293,687,000
International conferences and contingencies	6,000,000	6,000,000	3,000,000	3,000,000	3,000,000	-3,000,000
Total, International Organizations and Conferences	1,397,348,000	1,374,057,000	1,286,000,000	778,000,000	928,000,000	-469,348,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	12,858,000	13,858,000	12,358,000	11,500,000	12,058,000	-800,000
Construction	6,644,000	10,398,000	6,644,000	8,000,000	6,644,000	.....
American sections, international commissions	5,800,000	6,290,000	5,800,000	5,800,000	5,800,000	.....
International fisheries commissions	14,669,000	14,669,000	14,669,000	15,119,000	14,669,000	.....
Total, International commissions	39,971,000	45,215,000	39,471,000	40,419,000	39,171,000	-800,000
Other						
Payment to the Asia Foundation	10,000,000	10,000,000	10,000,000	.....	5,000,000	-5,000,000
Appropriation (FY 1995 Defense Bill, P.L. 103-335)	5,000,000	.....	.....	.....	.....	-5,000,000
Total, Department of State	4,143,650,000	4,202,312,000	4,024,446,000	3,462,541,000	3,646,488,000	-497,162,000
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	50,378,000	76,300,000	40,000,000	22,700,000	35,700,000	-14,678,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Board for International Broadcasting						
Israel Relay Station (rescission)	-2,000,000					+2,000,000
United States Information Agency						
Salaries and expenses	475,645,000	496,002,000	445,645,000	429,000,000	445,645,000	-30,000,000
Technology fund		10,100,000	5,050,000	5,050,000	5,050,000	+5,050,000
Office of Inspector General	4,300,000	4,593,000				-4,300,000
Educational and cultural exchange programs	233,279,000	252,676,000	192,090,000	210,000,000	200,000,000	-33,279,000
Transfer (FY 1995 Foreign Ops Bill, P.L. 103-336)	42,000,000					-42,000,000
Subtotal	275,279,000	252,676,000	192,090,000	210,000,000	200,000,000	-75,279,000
Eisenhower Exchange Fellowship Program, trust fund	2,500,000	300,000	300,000	1,137,000	300,000	-2,500,000
Israeli Arab scholarship program	397,000	397,000	397,000	397,000	397,000	
International Broadcasting Operations	475,363,000	395,340,000	341,000,000	294,191,000	325,191,000	-150,172,000
Radio Free Asia: Operations	5,000,000	(10,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	-5,000,000
Broadcasting to Cuba	24,809,000	(26,063,000)	(24,809,000)	24,809,000	24,809,000	
Radio construction	69,314,000	85,919,000	70,164,000	22,000,000	40,000,000	-29,314,000
East-West Center	24,500,000	20,000,000		18,000,000	11,750,000	-12,750,000
North/South Center	4,000,000	1,000,000		4,000,000	2,000,000	-2,000,000
Tenth Paralympiad				(5,000,000)		
National Endowment for Democracy	34,000,000	34,000,000	30,000,000	30,000,000	30,000,000	-4,000,000
Total, United States Information Agency	1,395,407,000	1,300,327,000	1,084,646,000	1,038,584,000	1,085,142,000	-310,265,000
Total, related agencies	1,443,785,000	1,378,627,000	1,124,846,000	1,081,284,000	1,120,842,000	-322,943,000
Total, title IV, Department of State	5,567,435,000	5,578,939,000	5,149,092,000	4,523,625,000	4,767,330,000	-820,105,000
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(214,356,000)	(182,610,000)	(182,610,000)	(182,610,000)	(182,610,000)	(-51,746,000)
Maritime National Security Program		175,000,000		46,000,000	46,000,000	+46,000,000
Operations and training	76,087,000	81,850,000	64,600,000	68,600,000	66,600,000	-9,487,000
Ready reserve force:						
Maintenance, operations and facilities	149,653,000					-149,653,000
Rescission	-158,000,000					+158,000,000
Total, Ready reserve force	-8,347,000					+8,347,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	25,000,000	48,000,000	48,000,000	25,000,000	40,000,000	+15,000,000
(Limitation on guaranteed loans)	(250,000,000)	(1,000,000,000)	(1,000,000,000)	(500,000,000)	(1,000,000,000)	(+750,000,000)
Administrative expenses	2,000,000	4,000,000	4,000,000		3,500,000	+1,500,000
Total, Maritime guaranteed loan program account	27,000,000	52,000,000	52,000,000	25,000,000	43,500,000	+16,500,000
Total, Maritime Administration	94,740,000	306,850,000	116,600,000	139,600,000	156,100,000	+61,360,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	212,000	206,000	206,000	206,000	
Commission on Civil Rights						
Salaries and expenses	9,000,000	11,400,000	8,500,000	9,000,000	8,750,000	-250,000
Commission on Immigration Reform						
Salaries and expenses	1,894,000	2,877,000	2,377,000	1,894,000	1,894,000	
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,122,000	1,090,000	1,090,000	1,090,000	
Competitiveness Policy Council						
Salaries and expenses	1,000,000	503,000				-1,000,000
Equal Employment Opportunity Commission						
Salaries and expenses	233,000,000	268,000,000	233,000,000	233,000,000	233,000,000	
Federal Communications Commission						
Salaries and expenses	185,232,000	223,600,000	185,232,000	166,185,000	175,709,000	-9,523,000
Offsetting fee collections - current year	-116,400,000	-116,400,000	-116,400,000	-116,400,000	-116,400,000	
Direct appropriation	68,832,000	107,200,000	68,832,000	49,785,000	59,309,000	-9,523,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Maritime Commission						
Salaries and expenses	18,569,000	18,947,000	15,000,000	14,855,000	14,855,000	-3,714,000
Offsetting fee collections	.....	-2,228,000	.....	.....	.....	.....
Direct appropriation	18,569,000	16,719,000	15,000,000	14,855,000	14,855,000	-3,714,000
Federal Trade Commission						
Salaries and expenses	96,926,000	107,873,000	96,926,000	89,035,000	96,926,000	.....
Offsetting fee collections - carryover	-4,500,000	.....	-16,000,000	-16,000,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	54,788,000	59,611,000	34,664,000	24,773,000	31,304,000	-23,462,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	1,247,000	1,247,000	1,247,000	.....
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	.....
Legal Services Corporation						
Payment to the Legal Services Corporation	400,000,000	440,000,000	278,000,000	340,000,000	278,000,000	-122,000,000
Marine Mammal Commission						
Salaries and expenses	1,384,000	1,425,000	1,000,000	1,384,000	1,190,000	-194,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	350,000	250,000	350,000	350,000	+50,000
National Bankruptcy Review Commission						
Salaries and expenses (by transfer)	(1,000,000)	.....	.....	.....	.....	(-1,000,000)
Ounce of Prevention Council						
Crime trust fund 4/	.....	14,700,000	.....	.....	.....	.....
Securities and Exchange Commission						
Salaries and expenses	297,405,000	342,922,000	297,405,000	267,664,000	297,405,000	.....
Offsetting fee collections	-192,000,000	.....	-184,293,000	-123,000,000	-184,293,000	+7,707,000
Offsetting fee collections - carryover	-30,549,000	.....	-9,667,000	-9,667,000	-9,667,000	+20,882,000
Investment adviser fee - offsetting collection	(-8,595,000)	.....	.....	.....	.....	(+8,595,000)
Direct appropriation	74,856,000	342,922,000	103,445,000	134,997,000	103,445,000	+28,589,000
Small Business Administration						
Salaries and expenses	251,504,000	242,831,000	225,625,000	215,181,000	222,490,000	-29,014,000
Offsetting fee collections	-9,350,000	-3,300,000	-3,300,000	-3,300,000	-3,300,000	+6,050,000
Direct appropriation	242,154,000	239,531,000	222,325,000	211,881,000	219,190,000	-22,964,000
Office of Inspector General	8,500,000	9,200,000	8,750,000	8,500,000	8,500,000	.....
Business Loans Program Account:						
Direct loans subsidy	3,566,000	12,426,000	5,000,000	1,000,000	4,500,000	+904,000
Guaranteed loans subsidy 5/	274,439,000	50,835,000	146,010,000	173,510,000	155,010,000	-119,429,000
Micro loan guarantees	1,216,000	1,700,000	1,700,000	1,216,000	1,216,000	.....
Section 503. prepayment	30,000,000	.....	.....	.....	.....	-30,000,000
Administrative expenses	97,000,000	99,910,000	92,622,000	92,622,000	92,622,000	-4,378,000
Total, Business loans program account	406,251,000	164,873,000	244,332,000	268,348,000	253,348,000	-152,903,000
Disaster Loans Program Account:						
Direct loans subsidy 5/	52,153,000	34,432,000	34,432,000	34,432,000	34,432,000	-17,721,000
Administrative expenses	78,000,000	80,340,000	78,000,000	62,400,000	71,578,000	-6,422,000
Contingency fund (emergency)	125,000,000	100,000,000	.....	.....	.....	-125,000,000
Total, Disaster loans program account	255,153,000	214,772,000	112,432,000	96,832,000	106,010,000	-149,143,000
Surety bond guarantees revolving fund	5,369,000	2,530,000	2,530,000	2,530,000	2,530,000	-2,839,000
Total, Small Business Administration	917,427,000	630,906,000	590,389,000	588,091,000	589,578,000	-327,849,000
State Justice Institute						
Salaries and expenses 6/	13,550,000	13,550,000	.....	5,000,000	5,000,000	-8,550,000
Crime trust fund	.....	600,000	.....	.....	.....	.....
Total, State Justice Institute	13,550,000	14,150,000	.....	5,000,000	5,000,000	-8,550,000
Total, title V, Related agencies	1,891,883,000	2,221,997,000	1,454,582,000	1,545,272,000	1,485,320,000	-406,563,000
Appropriations	(2,049,883,000)	(2,208,697,000)	(1,454,582,000)	(1,545,272,000)	(1,485,320,000)	(-564,563,000)
Rescission	(-158,000,000)	.....	.....	.....	.....	(+158,000,000)
Crime trust fund	.....	(15,300,000)	.....	.....	.....	.....
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE VI - GENERAL PROVISIONS						
Procurement: General provisions 7/	-11,769,000	.....	.....	.....	.....	+11,769,000
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	.....	.....	.....	-55,000,000	-65,000,000	-65,000,000
DEPARTMENT OF COMMERCE						
National Telecommunications and Information Administration						
Information infrastructure grants (rescission)	.....	.....	.....	-36,769,000	.....	.....
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Acquisition and maintenance of buildings abroad (rescission)	.....	.....	.....	-140,000,000	-60,000,000	-60,000,000
RELATED AGENCIES						
United States Information Agency						
Radio construction (rescission)	.....	.....	.....	-7,400,000	-7,400,000	-7,400,000
Total, title VII, Rescissions	.....	.....	.....	-239,169,000	-132,400,000	-132,400,000
Scorekeeping adjustments	-367,694,000	-132,655,000	889,000	-16,264,000	-16,264,000	+371,430,000
Grand total:						
New budget (obligational) authority	26,310,842,000	31,026,024,000	27,596,129,000	27,017,415,865	27,271,261,000	+960,819,000
Appropriations	(24,153,992,000)	(27,015,824,000)	(23,604,142,000)	(23,466,577,865)	(23,522,692,000)	(-631,300,000)
Rescissions	(-171,250,000)	.....	.....	(-392,162,000)	(-207,400,000)	(-36,150,000)
Crime trust fund	(2,327,900,000)	(4,010,200,000)	(3,991,987,000)	(3,944,000,000)	(3,955,969,000)	(+1,628,069,000)
(By transfer)	(56,500,000)	(55,500,000)	(57,500,000)	(82,000,000)	(106,000,000)	(+49,500,000)
(Limitation on administrative expenses)	(3,483,000)	(3,558,000)	(3,559,000)	(3,559,000)	(3,558,000)	(+96,000)
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	(741,000)	.....
(Liquidation of contract authority)	(214,358,000)	(162,810,000)	(162,810,000)	(162,810,000)	(162,810,000)	(-51,748,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(26,420,000)	(1,420,000)	.....

1/ 1995 "Salaries and expenses" funds were used for "Administrative review and appeals".
2/ Does not reflect transfers to INS and GLA.
3/ Includes budget amendment of -$3,265,000 related to privatization of portions of the National Weather Service. Legislation will be proposed to offset this account from the Marine Navigation Trust Fund.
4/ Funding of $1,500,000 was provided under Office of Justice Programs in FY 1995.
5/ Assumes legislation to lower the subsidy for these accounts through new fees and increases in interest rates.
6/ The State Justice Institute is authorized to submit its budget directly to Congress. The President's request includes $7,000,000 for the Institute.
7/ The FY 1995 budget authority amount reflects the unspread balance.

Mr. ROGERS. Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today with the chairman of our subcommittee to present the conference report on H.R. 2076, the Commerce, Justice, State, the Judiciary and Related Agencies appropriation bill. I want to express my appreciation to the gentleman from Kentucky, Chairman ROGERS, for the open and interactive way in which he has allowed us to deal with this legislation in this bipartisan way. I want to congratulate him on his first conference report, and his efforts in bringing it to the floor. I would like to think that I could congratulate him in the sense that we are going to be all done, but I do not think that is the case. I think we will be seeing this bill again after a Presidential veto.

Mr. Speaker, in many respects this is a good bill, and I support the lion's share of it. It is below the total level of discretionary spending provided last year. That was a goal that I think everybody embraced. Law enforcement funding, Mr. Speaker, is a very important part of this bill, as the chairman said. Funding for Federal law enforcement activities and for Federal support of State and local law enforcement has been significantly increased.

The Department of Justice, Mr. Speaker, receives $2.4 billion in excess of last year's funding, with the Violent Crime Trust Fund being increased by over $1.5 billion.

Mr. Chairman, this robust funding for law enforcement includes money for 200 new FBI positions, plus significant amounts of money for new equipment and facilities and for support of these new positions. It includes funding for 30 new Drug Enforcement Administration agents, with new equipment and mobile enforcement teams to support those important new hires.

Mr. Speaker, amazingly, this legislation provides for a total of 3,000, let me repeat that for my colleagues and anyone who is listening, for 3,000 new positions at the Immigration and Naturalization Service, including 800 new border patrol agents and 400 new inspectors, and corresponding support personnel.

Mr. Speaker, in the law enforcement area this bill provides $175 million, full funding, as the chairman indicated, for the Violence Against Women Act programs, and it includes $535 million for the Byrne Grant Program, a very popular, very effective, local law enforcement grant program.

Mr. Speaker, this bill is adequate in my view in other areas. The Economic Development Administration is funded at the House level, and I think it is appropriate at this time to give special recognition to our chairman. In representing his district from Kentucky, and I my district from West Virginia, we appreciate how important the Economic Development Administration is to areas that are experiencing economic hardship. That agency has reached out and is broadening its portfolio and addressing the concerns of economically distressed areas as a result of military spending displacements.

NOAA is funded, Mr. Speaker, at $80 million above the House level. I consider that to be a good thing. Otherwise, Mr. Speaker, several departments and agencies are severely underfunded in this bill. The committee's allocation in my view is as much as $500 million short. In fact, virtually every other part of this bill has been reduced from last year.

The Department of Commerce's funding level of $3.4 billion is $600 million less than last year. Tragically, Mr. Speaker, in my view, this conference agreement zeros out the highly effective Advanced Technology Program. It is tragic from the standpoint that I think substantively the ATP program is extremely important to our strategic activities to be competitive economically into the future as we compete with the world's economy. But also, Mr. Speaker, I think we should point out in this bill that zero funding the ATP program makes us renege on grants that we have already granted to some 400 companies. I do not think that action speaks very well.

The State Department and its related agencies are reduced by $800 million below last year. That is too low. We are advised they are going to limp along with that. That cannot continue—that kind of treatment of the State Department. And many other related agencies, such as the Legal Services Corporation, are reduced dramatically. Peacekeeping functions, Mr. Speaker, are so underfunded, almost ignored, that we expect to be dealing with a $1 billion plus deficit next year to meet our international peacekeeping obligations.

Mr. Speaker, many of these underfunded or zeroed out programs are extremely important parts of President Clinton's economic revitalization initiatives or his foreign policy initiatives, or simply our commitments to ensure that the disadvantaged receive legal services. It is clear from the President's statements that any or all of them may cause him to veto this bill.

But, Mr. Speaker, the President is committed to veto this bill because funding of the COPS program as a block grant program jeopardizes the 26,000 cops already on the beat. But, more importantly, and probably because we will get beyond that jeopardy, it makes impossible his commitment, a very fundamental part of his campaign and a very fundamental part of his law enforcement crime fighting initiative, to achieve the goal of putting 100,000 new police officers on the beat by the end of fiscal year 2000.

Mr. Speaker, this is a program that is working, and it need not be fixed simply because it was not invented by the majority. It was President Clinton's program. The first year, from last year's 1995 fiscal year funding, we have put almost 26,000 new policemen on the beat. The first year met 25 percent of the goal. In the second year, the lowest estimates and projections are that we will put another 24,000 or 25,000 policemen on the beat if we get funding for the COPS program. That is 50,000 new policemen on the beat in the first 2 years of a 6-year program where the President promised to have 100,000 by the end of the century. We are far ahead of schedule on this program. There is no legitimate criticism of the so-called COPS program. In my mind the block granting of this program is an effort to undermine a program that is already working.

The President has indicated, Mr. Speaker, that this item is nonnegotiable, and I expect it to be the subject of the motion of recommit on this conference report.

In addition, because the bill enacts by reference certain provisions of H.R. 728, the formula for States to receive the block grant funds provided in this bill is heavily skewed toward those States with high populations and high crime rates. Smaller States, rural areas that are getting the job done, are disadvantaged in this bill.

Further, Mr. Speaker, this bill contains 31 pages of legislation in a bill that only has 78 pages in total. The issues addressed by these three legislative proposals are in the jurisdiction of the Committee on the Judiciary. These items include a major legislative rewrite of the Truth in Sentencing initiative grants, prison litigation reform and Legal Services Corporation. All these provisions amend current law and have impacts that are not clearly defined, despite the claims of the Committee on the Judiciary. The reasons they have ended up in this appropriations bill are unclear to me, because as far as I know, we still have a Committee on the Judiciary with an especially competent chairman and ranking member, and I see no reason why an appropriations bill should contain such extensive authorizing language.

Members may in fact be surprised by the impacts some of this language will have on the distribution of prison grant funds for their States. Preliminary information, for instance, from the Justice Department, indicates that some States that are currently eligible for prison grants will not be eligible for Truth In Sentencing incentive grants. While some of these States may become eligible for general prison grant funds, the amount of the funds available for this purpose has been reduced substantially from what it could have been under current law.

Having said all that, Mr. Speaker, I want to conclude by saying that in a bill as large and diverse as this one, there will always be things that we agree with and things that we do not. We all know it will be vetoed. I intend to work closely with the gentleman

from Kentucky [Mr. ROGERS], the chairman, when that time comes, to adjust the things that need to be adjusted to get a signable bill. I believe that is his desire. It is certainly mine. We must advance the process here today and get closer to that goal.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

□ 1700

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, the gentleman from Kentucky [Mr. ROGERS], for yielding and I congratulate him and the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member, for doing an outstanding job on a difficult bill with limited resources.

Mr. Speaker, this is a tough bill, but it is a good bill. It is one that I feel very comfortable in voting for and urging my colleagues to support, and I hope that all of us certainly on this side can support the bill, so we can send it to the President.

If he wants to veto it, that is his judgment and he will exercise it and we will go from there. But the fact is, with the resources available, this is a good bill. We should take comfort in sending it to him.

Mr. Speaker, I want to say briefly on the COPS issue, that is a limited, centralized, big government, big bureaucracy program that does not have the flexibility to the policeman on the beat. That does not get to the inner cities that really need flexibility and funds to fight the very heavy law enforcement problems that they have.

So, I would urge approval of this bill, which includes a significant block grant for law enforcement and gives those communities flexibility. That is not just me speaking; that is the Washington Post of Thursday, September 21, 1995, that I will include for the RECORD which, indeed, says that local authorities should have more choice and that the plan included in this bill is the preferable one.

That being said, there are some Members who have raised objections earlier under discussion of the rule about a provision in the statement of managers that was alleged to allow ocean dumping. There was a ''Dear Colleague'' submitted by a gentleman from New Jersey that alleges that, and I just want to say that that ''Dear Colleague'' is wrong. This conference report does not allow ocean dumping; the conference report does not fund any ocean dumping; and it does not change any ocean dumping laws.

The conference report does ask NOAA, the National Oceanic and Atmospheric Administration, to report to Congress on its analysis of possible technology and feasibility of deep ocean relocation of dredge soil that already exists in our Nation's harbors, and it would ask NOAA to report to Congress as to what the legal consequences are, and what are the options, if any, that Congress can explore for the future.

Mr. Speaker, that being said, that is what the language says. But there are Members from New Jersey and Massachusetts and elsewhere who have legitimate concerns about just this language.

Mr. Speaker, I would like to yield to the gentleman from New Jersey [Mr. SAXTON] to express his concerns and have an opportunity to reply to him.

Mr. SAXON. Mr. Speaker, if the gentleman would yield, under the section entitled National Oceanic and Atmospheric Administration, on page 127, there appears a paragraph entitled, ''Deep Ocean Isolation Study,'' and it says, in part,

> The conferees have been made aware that an innovative deep ocean waste handling and disposal system exists.

Later on it says that:

> The conferees expect NOAA to evaluate this proposal and develop a funding program for engineering analysis and preliminary design work on systems to transport dredge spoils to a deposit site, transfer the material to a receiving platform, and deploy a tethered delivery system for safe conduct of deep ocean isolation.

Mr. Speaker, I understand that the gentleman is prepared to speak on this issue to clarify this situation.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I am prepared to speak, but before I do that, I yield to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I share the concerns of the gentleman from New Jersey [Mr. SAXTON], specifically because our oceans are very complex ecosystems. Also, this tethered delivery system that is referenced to has already been studied by the Navy, and the Navy has determined that it is likely to fail.

Mr. Speaker, I would appreciate the comments of the gentleman from Louisiana that there will be no ocean dumping at all, nothing authorized under this language.

Mr. LIVINGSTON. Mr. Speaker, I would say to both gentlemen, I believe that this language clearly requires that NOAA only evaluate and develop a cost estimate for testing of this new technology, not to carry out a demonstration at this time. I am prepared to direct NOAA not to proceed with this evaluation until the concerns of the gentlemen, as well as any other Members who have similar concerns, have been satisfied as expressed in authorization language by the Fisheries, Wildlife and Ocean Subcommittee of the Committee on Resources. The subcommittee is chaired by the gentleman from New Jersey. And if that language is acceptable, if that colloquy is acceptable to both gentlemen, I would hope that they would support the bill and I would urge all of our colleagues to support the bill accordingly. Is that acceptable?

Mr. SAXTON. Mr. Speaker, if the gentleman would continue to yield, that having been said, as far as this gentleman is concerned, that language is acceptable and I am prepared to support the bill with that assurance.

Mr. TORKILDSEN. If the gentleman would yield, the language is acceptable as well, and I will support the bill on that basis.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I thank the gentlemen and urge the adoption of the conference report.

Mr. Speaker, I submit the following for the RECORD:

[From the Washington Post, Sept. 21, 1995]

MORE POLICE OR MORE CHOICES

The Republicans are out to undo portions of the crime bill passed last year, particularly that part of the law that provides money to put 100,000 new community police on the streets. They would convert that program into law enforcement block grants without the mandate that the money be used to hire new officers. The current vehicle for this effort is the State, Justice and Commerce appropriations bill, which the Senate is expected to consider this week. President Clinton is determined to defend the police program because he views it as a major achievement of his administration. Setting aside this political consideration, though, preserving the form in which this assistance is given may not be worth a fight.

Protecting the public from violent crime has traditionally been a local responsibility, although, of course, federal funds have always been welcome. In the prosperous and innovative years of the Great Society, grants were made to state and local governments for law enforcement assistance, and broad discretion was given to the recipients in deciding how to use them. There were some abuses—scholarships for family members, purchases of high-tech equipment of dubious value—but much was achieved before the grant program was discontinued in the early '80s. Now the Democrats are reluctant to trust local authorities with real responsibility, so they set aside billions in the crime bill but mandated that the money be used only to hire officers for community policing.

There's nothing wrong with community policing, and many cities would be glad to spend federal dollars to implement it. But others, including some large cities, already have instituted community policing and need computers instead. Some communities, such as Washington, don't need additional police manpower at all but are short on funds to pay and provide benefits to people already on the payroll. Finally, as many cities have realized after a careful reading of the law, the feds will pay only start-up costs of new hires. Matching funds are provided at a diminishing rate for five years, after which localities must pick up the full cost of the new employees. Many communities simply can't afford to do that.

In light of the federal government's budget situation, this may not be the time for Washington to be financing local programs of this kind. But if funds are to be given, it makes sense to provide communities more flexibility in planning and spending. Because community policing has proved to be so effective and so popular with the public, many areas will spend the money as Washington intends. But if new technologies, more cars or a social service unit trained to deal with juveniles are needed more, why shouldn't

local authorities have more choice? Word processors, a modernized telephone system or better lab equipment may not have the political appeal of 100,000 new cops. But for some cities, they may be a much better deal.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I appreciate that colloquy, and particularly what the gentleman from New Jersey [Mr. SAXTON] said. But I must warn that I am concerned that this very research program, which is in the report language, is the very thing that we are opposed to. In fact, if the research program goes ahead, which hopefully it will not based on what the gentleman from New Jersey just said, but if this research program were to go ahead, it is essentially openended. That would allow a significant amount of ocean dumping to take place of various contaminated materials.

Mr. Speaker, this is why the Department of Commerce, in a letter to the chairman of the Committee on Resources on July 28 of this year, specifically said that they were opposed to this research project because it is openended; there is no guidance, and ultimately there would be ocean dumping taking place of various contaminated materials.

Mr. Speaker, I would also point out that the Naval Research Laboratory in a report issued this year in the early part of 1995, specifically said that this tethered container concept was analyzed and determined to be unacceptable from both the production rate capability and because of handling system problems.

Mr. Speaker, there is no reason to do this research. It has already been done and it has been found to be unacceptable.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. REGULA], who is a very hard-working member of our subcommittee.

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I simply want to say this is a good bill. I think it recognizes, of course, the fiscal restraints that we are under. It is $700 million under 1995 in terms of discretionary spending.

But as chairman of the Steel Caucus, I want to also point out that we have kept the funding up for the International Trade Administration. We are in a competitive environment worldwide with our products, including steel, and it is therefore very important that the ITA have full funding.

We have been able to do that. It is almost at 1995 levels, and what this means is that the International Trade Administration will be able to very vigorously support our trade laws and make sure that none of our industries are subjected to unfair trading practices.

With the GATT treaty in place the challenges to maintain a fair trade environment has become extremely important. The Commerce Department funding is down about $578 million, and many people say this Department perhaps is not necessary. However, the ITA has a very essential function, and I am pleased that we have been able to keep the funding level at 1995.

The second important thing I would bring to the attention of my colleagues is the manufacturing extension program. Again, we have kept the funding level up. This is an agency that provides help to many small businesses. Some 14,000 of them in northern Ohio potentially benefit from this program, because this agency provides help to many small businesses and give them advice as to how to manage their accounting, how to manage in some cases the sales programs. They provide the kind of professional consulting that many times the small business does not have.

So, these two features are important to the economy and jobs, and I am pleased that we could fund them at almost a 100 percent level.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON], a member of our subcommittee.

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, I rise in opposition to the conference report on H.R. 2076. I do so reluctantly because of my strong feeling that Appropriations Subcommittee Chairman ROGERS has sought to be fair and reasonable in the midst of a very difficult process. The fact is that the conference committee was unable to report a balanced bill—the allocation for Commerce, Justice, State, and Judiciary was just not sufficient to make that possible.

There are provisions of this conference report that I strongly support. Five hundred million dollars is allocated to reimburse States and localities for the cost of incarcerating aliens convicted of a criminal offense. Obviously, these funds are vital to my State of California, as well as Los Angeles County, which bear an enormous burden of the costs of the Federal Government's inability to control illegal immigration. Increases in funding for the Immigration and Naturalization Service included in the legislation are essential to the Government's ability to control this problem.

However, while the INS and law enforcement are well funded, there are serious problems with the allocation of funds for other components of the bill. Funding for programs within the Department of Commerce are dramatically reduced from fiscal year 1995. State Department activities are seriously underfunded, particularly as it relates to the United States commitment to international organizations and United Nation's peacekeeping activities.

In addition to the underfunding of many valuable accounts, I have fundamental differences with the conference report over policy initiatives included in the legislation. The crime bill enacted by the 103d Congress and signed by President Clinton balanced the needs of law enforcement with the needs of prevention. The Community Oriented Policing Services program [COPS] addressed the real fear of millions of Americans that there were insufficient numbers of law enforcement personnel on our streets. At the same time, the law authorized prevention activities aimed at reducing the prevalence of criminal activity among the Nation's youth.

H.R. 2076 undermines this approach by ignoring enacted authorizations and creating a new law enforcement block grant. The COPS program has already been successful in providing 25,000 additional cops on the street. This block grant eliminates a program that is working; allows funds to be used for a variety of purposes—including equipment and infrastructure; and places prevention programs in the unenviable position of competing for the same funding as personnel and equipment.

There are also small programs within the Justice Department which provide far greater benefits than their cost to the Federal Government. The Community Relations Service [CRS] is such a program. CRS provides valuable mediation, conflict resolution, and technical assistance services in the resolution of volatile racial disputes. Unfortunately, such dispute resolution activities remain essential in communities across the Nation and the small Federal investment in CRS' activities is well spent in prevention of more serious problems.

The dispute resolution activities of CRS were funded at $10 million in fiscal year 1995. This year Americans have become acutely aware of the racial tensions which exist in this country. Yet this small investment—supported by law enforcement and the civil rights community alike—has been cut by almost 50 percent. As for conference report language supporting additional funding for CRS through transfer in the case of emergent circumstances, I can report that those emergent circumstances already exist in many parts of this country.

The technology programs of the Department of Commerce are particularly hard hit by this bill. The Advanced Technology Program [ATP] has been eliminated. When all the smoke about industrial policy and picking winners and losers clears, what is it we have done in this bill? We have struck funding for a public-private partnership for the development of high-risk technologies with the potential for long-term economic benefits.

Sharing the costs of high-risk research with the private sector, and allowing research and development that might not otherwise proceed, seems to me a wise investment in our economic future. At a time when job creation is increasingly dependent on small businesses, it is important to note that half

of ATP awards in the first 4 years of the program have been made to small businesses.

The Commerce Department's information infrastructure grant program is cut by over 50 percent from last year's funding level of $45 million. These grants foster an essential public-private partnership to support the expansion of the information superhighway.

As a result of where they live, income level, or educational attainment, millions of Americans now find the information age inaccessible. Perhaps nowhere is this problem as critical and the repercussions for the future as serious as in our educational system. Millions of children are being left behind as their higher-income counterparts avail themselves of the computer age, both at home and in schools where funding is available for information technology.

USA Today recently reported that high school drop-out rates fell dramatically and absentee rates dropped in half when kids were given access to computers, CD–ROMS and other technology. While many decry the failure of our public school systems to teach our children, we have an opportunity with technology grants to do something significant in our schools and provide essential opportunities to poor and at-risk youth.

Through matching grants to schools, libraries, State and local governments and non-profit organizations, information infrastructure grants can provide an invaluable catalyst to assure that we do not become a nation divided into information technology haves and have nots.

Last Monday, the Washington Post featured an article highlighting the Minority Business Development Agency [MBDA] as an agency that is virtually privatized, was established under a Republican administration and has been credited with stimulating business growth around the country. Today we will pass a bill that reduces funding for the MBDA by 27 percent—from $44 million to $32 million.

Minorities continue to be significantly underrepresented in the business community. MBDA enhances business opportunities and expansion of existing minority enterprises by providing management and technical assistance and enhancing access to capital for minority entrepreneurs. It seems inconsistent—to say the least—that the majority would target a program such as MBDA, while seeking to replace the access to the economic marketplace afforded minority businesses through affirmative action with some yet to be defined ''empowerment agenda.''

Finally, the conference report responds to the opponents of the Legal Services Corporation [LSC] by severely reducing funding for the LSC and placing tight restrictions on LSC grantee activities. LSC has done an exemplary job for over 30 years of providing access to the legal system for lower-income Americans.

Unfortunately, the conference chose to acquiesce to opponents of LSC who use isolated and anecdotal claims to insist that the Corporation's main activity has been to pursue a political and social agenda. As a result, the ability of poor Americans to enjoy their rights to adequate legal representation will be eroded. It was not enough to address opponents concerns about LSC through implementation of restrictions on grantee activities; the conference report goes far beyond these concerns by reducing funding for the LSC by over 30 percent.

As we continue to resolve appropriations matters, it is my hope we are able to deliberate on an alternative to this conference report that I can support. That will require that a more reasonable and adequate amount of funding be provided for the many essential functions of the federal government included in this measure.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO Mr. Speaker, I rise in opposition to the conference report. Specifically, I strongly oppose dismantling the community policing initiative. This is one crime fighting program that works, as the ranking member said earlier.

This bill will not guarantee that even one new police officer would be put on the beat. The streets of my district are safer today because of community policing. Neighborhoods are safer because we put more police officers on the beat.

The Chairman of the Committee on Appropriations made a comment before that said that this program does not work in inner-cities. That is wrong. It does work in inner-cities. In 1990, my hometown of New Haven, CT, an inner-city, had the unfortunate distinction of having the highest crime rate of any city in the State of Connecticut. Then police and community leaders came together and implemented a community policing program. Three years later, New Haven has a much prouder distinction, and that is of a crime-fighting innovator. Crime has been reduced by 7 percent in the first year of the program and by 10 percent in the second year. In fact, New Haven's community policing program has become a model for the Nation.

In my district, 41 new police officers are already on the job in 10 municipalities as a result of the COPS initiative to put 100,000 new police officers on our Nation's streets.

Mr. Speaker, the results are in. According to the FBI's Uniform Crime Reports for the first 3 months of 1995, aggravated assault is down by 40 percent, robbery is down by 21 percent, and murder is down by 5 percent. In February of 1996, because of COPS grants, my district is expected to put an additional 20 police officers on the beat in New Haven.

Make no mistake about it. A ''yes'' vote on this conference report today is a vote to take cops off of the streets. Vote ''no'' on this conference report. It is, in fact, wrong to end this program that has worked in our Nation's cities, inner-cities and rural communities.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. CHABOT].

(Mr. CHABOT asked and was given permission to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker I rise in strong support of this bill. I rise in very strong support of the conference report. It cuts corporate welfare coming from the Commerce Department; it prevents U.S. soldiers from being ordered to serve under foreign operational command; it makes much needed cuts in foreign aid; it begins to crack down on illegal immigration; it prohibits Federal funding to provide Federal convicts with weight-lifting equipment and other counter-productive pursuits; it helps limit frivolous prison litigation; it sends a clear message to the courts that they had better stop wasting money on overly-lavish courtroom facilities; and it significantly improves upon last year's very flawed crime bill.

The anti-crime block grants that will go to communities under this legislation are not bound up with the dictates, mandates, and restrictions that characterized last year's bill. I will tell you that the local officials in Cincinnati and Hamilton County are in a better position to judge how they can best spend anti-crime money than can Federal officials here in Washington. In fact, when Cincinnati was awarded a multi-million dollar grant last year under the old crime bill, my city found that it simply could not afford to accept the money—the Federal requirements were just too much. This bill provides local officials far more flexibility to spend the funds to meet the particular needs of the particular situations that they confront.

Now, I've got to say, again, that I would have preferred to enhance the tax base of local communities by reducing the tax bite that Washington takes and simply not have any Federal crime grants at all. It's better to leave the money in the communities rather than running it through DC and then sending it back. But the approach that this bill takes represents a great improvement over the existing top-down system in which the feds micro-manage everything.

I commend the committee and the conferees for their excellent work on these improvements, and I would like also to congratulate once again the chairman of the Crime Subcommittee, the gentleman from Florida [Mr. MCCOLLUM], and his absolutely tremendous staff, on the fine work that they have done to prove the way for the anti-crime provisions in this bill. I urge support for the conference report.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

□ 1715

Mr. GILMAN. Mr. Speaker, I rise in support of the bill before us to appropriate funds for the Commerce, Justice,

State Department, and related agencies. I commend my colleague, the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, Chairman ROGERS, for working through a very difficult conference to bring a reasonable conference agreement to the House floor.

I also thank the chairman and the staff of the subcommittee and full committee for their cooperation in working with our Committee on International Relations.

A key provision in the House passed bill has been retained in this conference report. The provision ties expansion of the United States mission in Vietnam to cooperation by the Government of the Socialist Republic of Vietnam on resolving the remaining POW/MIA cases. This addresses concerns that the President lifted the trade embargo on Vietnam in February 1994 and established full diplomatic relations in July 1995 in the absence of any concrete results on cases that Vietnam should be able to provide.

The conference report requires that before expanding the size of the United States mission in Hanoi, the President must certify that the Government of Vietnam is ''fully cooperating'' with the United States to account for our POW/MIA's. This includes turning over American remains and information on those still missing that we have every reason to believe is being held by the Vietnamese Government. I want to point out that this provision does not interfere with our diplomatic relations, but it does link expansion of the United States presence to specific cooperation by the Vietnamese. This provision reinforces the President's stated commitment to accounting for the 2,167 Americans still missing in Vietnam, Cambodia, and Laos.

This provision seeks to achieve real progress by the Government of Vietnam in accounting for our missing Americans. My colleagues, this issue is not solely about remains, though an honorable burial is certainly deserved by those who gave their lives in service to our country. It is about the POW/MIA families' and our veterans' trust in their Government to seek and discover the truth.

As we deploy 20,000 Americans to Bosnia, we must make every effort to assure them that if they are captured or become missing, the United States will make every effort to return them to their families and their Nation. It is crucial to our national honor that we, both in Congress and the executive branch, continue to press Vietnam to fully cooperate on our POW/MIA's.

Mr. Speaker, many of us have grave concerns that the Vietnamese have been less than forthcoming on cases brought to their attention. The data shows that since the President lifted the trade embargo against Vietnam, only 10 cases have been accounted for.

There is strong reason to believe, based on a November 1995 Department of Defense analytical assessment of each POW/MIA case, that the Vietnamese still have remains and records on individuals which they have so far not turned over to the United States Government.

This provision calls upon our Government to use all information available to account for our POW/MIA's. The intention is that ''all information'' include intelligence assessments, material evidence, incident information, and subsequent reporting, as well as the case-by-case assessments in DOD's ''Zero-based Comprehensive Review of Cases Involving Unaccounted for Americans in Southeast Asia'' produced in November 1995. This document provides valuable information on individual cases, to include where and what kind of information DOD analysts believe the Government of Vietnam has in its possession. It should be used to prompt the Vietnamese to respond to those cases. This would include the special remains cases, photo cases, priority discrepancy cases—fate not determined; priority discrepancy cases—death confirmed—Vietnam-Lao border cases, and priority discrepancy cases in areas of Laos and Cambodia where Vietnamese forces operated during the war.

Several United States Defense Intelligence Agency assessments through 1992 indicated that the Government of Vietnam likely holds hundreds of American remains that have not been repatriated to United States authorities. These analyses reinforce the recently released DOD case-by-case assessments.

Notably, the administration's fiscal year 1996 budget request for the State Department did not assume any expansion in Vietnam. Consequently it is my understanding that any expansion that might take place, if the President issues a certification, will require approval by Congress through the regular reprogramming process. As part of the review of any reprogramming request, the President's certification will be evaluated to determine whether the Government of Vietnam has exhausted all its unilateral efforts to cooperate fully with the United States in accounting for all discrepancy cases. We will assess Vietnam's cooperation to resolve the last known alive and remains discrepancy cases by the degree to which they meet the United States Government definition of accounting for our missing personnel which means locating and repatriating living Americans or their identifiable remains or providing convincing evidence as to why neither is possible.

In addition, Congress will be looking for the Vietnamese Government to increase its cooperation on the remaining original status POW-MIA cases in terms of results achieved in meeting the above definition, including on incidents of loss in areas of Laos and Cambodia where Vietnamese forces operated at the time of the incident.

We would expect if remains are not provided, then convincing evidence of why this is not possible should be provided by the Government of Vietnam from archival information, such as documents from the Central Committee of the Vietnamese Communist Party and reports of the Military Law Division of the Ministry of National Defense, including burial and photographic records of American casualties in Vietnam and in areas of Laos and Cambodia that were under Vietnamese control during the war.

Full Vietnamese cooperation on POW-MIA related archival records and documents also includes provision of the source documents used by a single Vietnamese official to compile the handwritten Group 559 summary document provided to the United States in 1993.

Many of my colleagues in the House and the Senate have worked for years on this issue yet we continue to hope that all the remaining cases will soon be resolved so that those most affected by the Vietnam war can end the uncertainty and frustration they have endured for so many years.

Speaking on behalf of the families and our Nation's veterans, I thank Chairman ROGERS for his outstanding efforts in finding a workable compromise on this provision. I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I rise today in opposition to the conference report.

I think it is a bad bill for a number of reasons, but I would like to highlight just two aspects of the bill:

I would like to go back to an earlier statement made on the floor by the gentleman from Tennessee [Mr. BRYANT], which may have left the impression that money for the COPS Program was not being directed to the right places. In talking about the COPS Program, he stated that the city of Portland, OR, only was to receive one new police officer. Let me remind my colleagues that the whole purpose of the COPS Program was to target smaller communities, and those communities where the rate of crime is growing. The city of Portland, thankfully, is not experiencing such growth. But the surrounding suburban and rural areas are. In my district alone, the following communities received one new police officer: Astoria, Carlton, Clatskanie, Clatsop County Sheriff's Office, Cornelius, Dundee, Gearhart, Hillsboro, Newberg, North Plains, Rainier, Scappoose, Seaside, Sherwood, St. Helens, Tigard, Vernonia, Warrenton, and five in Yamhill County. Many of these communities are in Washington County, which is the heart of my district, and the fastest growing part of the State—19 new police in this county alone. These are the types of communities in Oregon which need the money the most and can afford it the least. So I would remind my colleagues that the success of the COPS Program is that it

puts the money where the money is most needed.

This bill eliminates funding for the Advanced Technology Program in the Commerce Department. This program provides loans to businesses to develop commercial applications for new technologies. Let me tell you why elimination of this is pound wise and penny foolish.

Over the past 50 years, innovation has been responsible for as much as half of the Nation's economic growth. Economic growth, of course, means more jobs and improved living standards. Combined public/private investment in research and development have resulted in millions of new jobs in biotechnology, communications, software, aerospace, and semiconductors.

The American Association for the Advancement of Science estimates that under the Republican budget resolution, there will be a 30-percent cut in the Federal investment in nondefense R&D.

Along with zeroing out funding for the Advanced Technology Program, funding in other bills will be drastically reduced for DOE's renewable energy R&D programs, and EPA's Environmental Technologies Initiative.

These cuts are coming at a time when Japan plans to double its R&D Government dollars by the year 2000. They are doubling their commitment and we are cutting ours. What is wrong with this picture?

I have repeatedly stated that while I am in favor of a balanced budget, but that it must be done with the right priorities in mind. Our balance the budget strategy should be based on an investment strategy—where can we put limited Federal dollars where they will do the most good—where they will invest in our Nation's well being—create new, high paying jobs—which in turn creates a better future for our children.

This appropriations bill does not get the priorities right, and I urge the defeat of this conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. STUPAK], who really has become quite an expert on these issues while bringing his law enforcement background to the debate.

Mr. STUPAK. Mr. Speaker, I thank the ranking member for yielding this time to me on this issue.

As my colleagues know, back in the 103d Congress we put forth the COPS Program, and now we are here in the 104th Congress, and suddenly we want to block-grant this program. We have heard all the horrors of the block grants that have occurred in the past, the airplanes, the tanks, the yachts that have been purchased, and under our colleagues' block grant proposal not one police officer is guaranteed. There is a possibility, but there are no guarantees. No communities can look with confidence that they will receive a police officer.

Mr. Speaker, they tell us they are going to do this because they want to leave it to the local units of government. Well, let me, if I may, look at Kentucky District No. 5 where the distinguished chairman is from. Every one of those communities that applied applied because they wanted a police officer, not because Washington made them. It was the local county commissioners of Perry County, or Pike County, or Clay County, or Wolf County, or Jenkins City Police Department, or how about West Liberty City Police Department. They applied. Washington did not force them. They know how to fight crime at the local level, and they received under the COPS Program 25 police officers.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Kentucky.

Mr. ROGERS. Does the gentleman realize that the State of Kentucky under the COPS Program gets $10 million, but under the block grant program would get $18 million, Does the gentleman realize that?

Mr. STUPAK. I realize that, but tell me. Nowhere in that $18 million is one police officer guaranteed for Kentucky.

Mr. ROGERS. They can use it all.

Mr. STUPAK. Prisons and everything else.

Mr. ROGERS. They can use it all.

Mr. STUPAK. Reclaiming my time——

Mr. ROGERS. If the gentleman would yield——

Mr. STUPAK. No, I would like to finish my—and if I have time left——

Mr. ROGERS. If the gentleman would yield?

Mr. STUPAK. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Michigan reclaims the time.

Mr. STUPAK. Mr. Speaker, if I have time remaining, I will yield, but I am going to finish my argument.

Mr. ROGERS. The gentleman should not ask me questions if he does not want——

Mr. STUPAK. Mr. Speaker, when the gentleman tells us that these Washington force—it was the gentleman's local communities that wanted these police officers, and now what is going to happen? Now, according to page 21, if the gentleman's agencies fall below $10,000, they lose their block grant, they lose. They lose their COPS Program, and I know my friends on that side of the aisle say that is not true, but the Department of Justice says under page 21 when they fall below the $10,000 rule, they will lose their officers.

Mr. ROGERS. Will the gentleman yield?

Mr. STUPAK. No, I will not. I want to continue my argument.

Department of Justice, who administers the program, said——

Mr. ROGERS. The truth?

Mr. STUPAK, I am interested in putting forth my argument. I have not interrupted the gentleman, and the gentleman has never yielded to me yet today, so I am not going to yield to him now.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. STUPAK] is recognized.

Mr. STUPAK. Mr. Speaker, when the gentleman says that this is not going to happen, but the Department of Justice who must administer this program tells us that is what is going to happen, I believe the Department of Justice, that the program will be terminated because of their $10,000 rule.

In Kentucky there are 132 applications pending, 132 more municipalities and country sheriffs who did not know what they were doing underneath their logic are applying for the COPS Program. My colleague will say that we need flexibility, as the gentleman said and as the Washington Post pointed out. I do not want the Washington Post to fight crime for us. I want local agencies, and that is why we have the COPS More Program, more program which provides us equipment, which provides us technology, that provides us with the technology we need.

Mr. ROGERS. Mr. Speaker, I yield myself 1 minute.

If the gentleman from Michigan [Mr. STUPAK] is interested in hearing the truth, here is what the State of Michigan will sustain under these comparative programs.

Under the COPS Program Michigan gets $33,700,000. Under our block grant program Michigan gets about $74,500,000, and they can use it all on cops if they want to, or they do not have to if they do not want to.

Mr. MOLLOHAN. Will the distinguished gentleman yield?

Mr. ROGERS. Not for the moment. We give the choice to local communities. We are going to give more than twice the amount of money to Michigan that they get under the old——

Mr. MOLLOHAN. Will the distinguished——

Mr. ROGERS. I will not.

If the gentleman from Michigan is interested in hearing it from the horse's mouth, or whatever he wants to call it, I am giving him the truth.

Michigan fares more than twice better under our program than the old COPS Program, and the old COPS Program grants will stay in effect. They are not going to lose any of the cops already on the beat under the program as it is now. But their communities will have in the future a chance for a lot more.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 1 minute to ask the distinguished chairman if he would engage me, please?

I am curious. If we have two States here who, under the block grant program the gentleman is asserting, can get a considerable amount, a higher amount, of money, what is the base amount for COPS and for the block grant program that the gentleman is comparing? Is that the same amount of money?

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. It is the same amount of money this year, however let me also say this to the gentleman:

Under our proposal each community only has to put up 10 percent to get their 90 percent from us. Under the COPS Program, as the gentleman knows, in the first year the local community has to put up 25 percent; the second year, up to 50 percent, and so forth. That is——

Mr. MOLLOHAN. Reclaiming my time so I can just get to the point, if we are dealing with the same absolute dollar amount, COPS compared to block grant, the gentleman has sighted a pattern in two States where the State he is asserting is almost getting twice as much money under a block grant program; is that true——

The SPEAKER pro tempore. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 1 additional minute, and I ask the gentleman from Kentucky, if this continues, would he mind yielding 1 minute so we can straighten this out? I think it is an important point.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. To answer the gentleman's question, the COPS Program, as it is now, is based on $1.3 billion in the first year. Our program is based on $1.9 billion.

Mr. MOLLOHAN. Mr. Speaker, please; $1.9 billion for what year?

Mr. ROGERS. For 1996, the year we are talking about.

Mr. MOLLOHAN. For 1996, so the gentleman is comparing last year's dollar volume with this year's dollar volume.

Mr. ROGERS. The awards are not made yet for COPS.

Mr. MOLLOHAN. I understand, Mr. Speaker. See, I am trying to understand if we are dealing from the same base number; then the gentleman has either picked two States who, under the formula, miraculously get twice as much money in a block grant program out of the same pot of money, or else there are a lot of States out there that are going to get a lot less money under the block grant program. One or the other?

See what I mean?

Mr. ROGERS. If the gentleman would yield, we know under the block grant program the dollar figure each State will get, and that is the figure I gave for the gentleman for the State of Michigan.

The SPEAKER pro tempore. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

Mr. MOLLOHAN. I will have to conclude by making my point.

Mr. Speaker, I yield myself such time as I may consume to finish this statement.

My point, Mr. Speaker, is, if we are dealing with the same base number, if the block grant program is yielding up considerably more amounts of money, then we have to be dealing with a larger base, and the chairman has indicated here, if I am understanding him, that he is comparing the 1995 funding level, which I understand is $1.3 billion with the 1996 funding level, which is something like $1.9 billion. That would explain the discrepancy.

I reserve the balance of my time, Mr. Speaker, and I think that explains the discrepancy with the gentleman from Michigan [Mr. STUPAK], and I am sure under his program Michigan is going to get the same amount as Kentucky.

The SPEAKER pro tempore. The Chair advises the gentleman from West Virginia that he has utilized an additional 30 seconds.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, we have only one difference about this matter. We just happen to think that cops on the streets of America speak a heck of a lot louder than all these political promises in Washington, and here are some of those police officers. This is their graduation picture in Austin, TX, and they are out patrolling the streets and the neighborhoods of America making Austin and central Texas safer because they are on the street instead of in some political promise. Last year they said it could not be done, but this Congress, the last Congress, the Democratic Congress, had the courage to pass a smart, comprehensive anticrime bill, and it pledged to put 100,000 police officers on the streets and neighborhoods across the country. They said it could not be done. Well, there are already 26,000 new officers on the street.

□ 1730

What do they propose as an alternative? They are going to have a comment period for the State bureaucracy, for the Governors of the States of the country to comment on whether or not these local requests for new cops are appropriate. That comment period is longer than it took the city of Austin to get approval to put these new law enforcement officers in cadet academies. That is a substitution of bureaucracy to go along with all the political rhetoric instead of backing up our law enforcement officers.

The idea that we will have some block grant program that requires the approval of a State bureaucracy that will not guarantee one single new law enforcement officer to back up these young men and woman who have dedicated their lives to protecting the security and the safety of their neighbors is flat wrong. These young people, according to our police chief, Elizabeth Watson, are out there working to build neighborhood enforcement teams. Instead of roving gangs, we have roving bands of law enforcement officers protecting our neighbors. The idea of a block grant program with no definition, no guarantees, no direction, does not provide the assurance we need for personal security in America today.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I urge my colleagues to support H.R. 2076, the conference report to the Commerce, Justice, State and the Judiciary appropriations bills.

Immigration, both legal and illegal, is an issue that affects every American. The Federal Government must take seriously its responsibility to establish and maintain a credible immigration policy that benefits American families, taxpayers, and workers, and serves America's national interests.

I introduced H.R. 2202, the Immigration in the National Interest Act of 1995, to address many of the problems in current immigration law. H.R. 2202 recently passed the Judiciary Committee on a bipartisan vote of 23 to 10, and has 114 cosponsors. This legislation is designed to reduce illegal immigration, and to reform our immigration system.

Funding is crucial to the effective implementation of these immigration policies. Chairman Hal Rogers and I have worked together to ensure that the immigration programs and objectives contained in H.R. 2202, especially those that provide for stronger enforcement of our borders, are funded in H.R. 2076. I would like to thank Chairman ROGERS for his tireless efforts to secure our borders.

Both bills contain enforcement initiatives to secure America's borders. These include an increase of 1,000 border patrol agents on the front lines, additional support staff and improved equipment for the Border Patrol, and 400 additional land border inspectors.

Both bills also contain initiatives to remove criminal and illegal aliens from the United States. H.R. 2076 funds the removal of illegal aliens and criminal aliens after they have served their sentences and provides $500 million to reimburse States for the costs of incarcerating criminal aliens.

Mr. Chairman, America's immigration policies have failed in the past largely because the Immigration and Naturalization Service has often been ignored and underfunded. Both H.R. 2202 and H.R. 2076 will change that.

I urge my colleagues to support this conference report.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. MOLINARI], a leader in this body in the fight against violence against women.

Ms. MOLINARI. Mr. Speaker, I rise today in strong support of this conference report because of my strong support for the Violence Against Women Act. I want to thank the gentleman from Kentucky [Mr. ROGERS] and the gentleman from Louisiana [Mr.

LIVINGSTON], and in fact the entire Committee on Appropriations for their cooperation and full support in securing $175 billion to protect women from abuse.

As we have seen recently, domestic abuse and other assaults on women do not discriminate based on social status. We already know the numbers. Each year over 4 million women are abused by their partners. During their lifetime three out of four women will be a victim of violent crime. The number of domestic crimes in our Nation today is twice that of robberies. Unfortunately, Mr. Speaker, the reality in America is that in the next 5 minutes, 1 woman will be raped and 14 more will be severely beaten by their husbands or boyfriends.

Yes, while we have heard these statistics over and over again, we have marveled at how little has been done in the past, because what we have failed to concentrate on up until today are the names and the faces and the bodies and souls that are destroyed every 15 seconds in America.

Last year Congress enacted the Violence Against Women Act to reduce these numbers and increase protection for women. Republicans and Democrats stood up and enacted a crime bill that protected them. It has been a long fight, first to authorize the Violence Against Women Act, and today now finally funding it. Today we show the rest of the country that this Congress is committed to stopping crime and helping the victims of crime. I would also like to thank the gentlewoman from New York, Ms. NITA LOWEY, for her cooperation.

Let me just conclude. At a time when the Nation's awareness of domestic violence has never been greater, it is essential that we in Congress stop talking about doing something about this crime and start putting our money behind it by fully funding the Violence Against Women Act in this conference report. In this section of the bill we are once again standing up for women and against criminals.

Again, I want to thank the gentleman from Kentucky [Mr. ROGERS] for his cooperation, and urge on behalf of all those women who will be victims of domestic abuse or who may not be because of our efforts today to please support this conference report.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the hardworking and distinguished gentleman from Colorado [Mr. SKAGGS], a member of the subcommittee.

Mr. SKAGGS. Mr. Speaker, let me start by congratulating and paying my respects to the gentleman from Kentucky, HAL ROGERS, and our terrific staff. Given the incredible parameters within which they had to work, they have done a decent job, and if there is any indecency here, it is not HAL's doing. But there are some serious failings.

Let me just start off by returning to the question of the block grants versus the COPS program. I will be offering the motion to recommit when we finish debate on this to transfer or to specify that that portion of the funding in this bill that was going to go to block grants will be restored to funding the COPS program.

Mr. Speaker, this is, as many of my colleagues have already pointed out, a success already. It is focused, it is effective, it is putting money on task on the streets of America to improve safety and law enforcement. We are all, I think, appropriately forewarned, given the bad experience back in the Law Enforcement Assistance Administration days of what can happen in a slush-funded, no-accountable block grant environment. I hope my colleagues will support the motion to recommit.

Beyond that problem, Mr. Speaker, there are other problems with this bill: the underfunding of our technology investments in the NIST accounts, the incredible intrusion into the operations of the Legal Services Corporation, the huge shortfall in funding for peacekeeping operations at the United Nations that is going to put us in a fiscal corner for years; the incredible, idiotic waste of money on the TV Marti program; and several extraneous legislative provisions that have no business within this bill. This leaves me, with reluctance, to urge my colleagues, if the motion to recommit fails, to vote ''no'' on final passage.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. LOBIONDO].

(Mr. LOBIONDO asked and was given permission to revise and extend his remarks.)

Mr. LOBIONDO. Mr. Speaker, I rise today in strong support of the prison litigation reform provisions included in the conference report on H.R. 2076, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

Earlier this year the House passed H.R. 667, the Violent Criminal Incarceration Act. This bill contained many provisions designed to address the problems associated with inmate lawsuits. One area that was not included in that legislation was the many so-called Bivens actions that are filed by Federal prisoners in Federal court every year. These suits are not based on any statutory authority from Congress. In Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971), the Supreme Court created a so-called ''constitutional tort'' that allows inmates to circumvent the congressionally created Federal Tort Claims Act and sue the Federal Government for alleged violations of their constitutional rights due to prison conditions and/or treatment.

The real problem with these cases came with the Court's decision in 1992 that an inmate need not exhaust the administrative remedies available prior to proceeding with a Bivens action for money damages only. *McCarthy v. Madigan,* 112 S.Ct. 1081 (1992). This decision was made without the benefit of any legislative guidance and the Court made that point very clearly in its opinion, almost to the point of asking that Congress do something. Since 1993 there has been a total of 1,365 new Bivens cases filed in Federal court tying up the time of Federal judges and lawyers for the Bureau of Prisons at a time when we already have overcrowded dockets.

In order to address the problem of Bivens actions, I introduced H.R. 2468, the Prisoner Lawsuit Efficiency Act (''P.L.E.A.''). This bill makes it clear that administrative exhaustion be imposed in all actions arising under the Bivens case. In H.R. 667, the House adopted a similar provision to that of the P.L.E.A. by requiring the exhaustion of administrative remedies for those prisoners bringing suit under 42 U.S.C. §1979 (the Civil Rights for Institutionalized Persons Act (''CRIPA'')).

I am very pleased to say that I have worked with the conferees of H.R. 2076 to ensure that the prison litigation reform measures address the Bivens issue. The new administrative exhaustion language in H.R. 2076 will require that all cases brought by Federal inmates contesting any aspect of their incarceration be submitted to administrative remedy process before proceeding to court. By returning these cases to the Federal Bureau of Prisons, we will provide the opportunity for early resolution of the problem, we will reduce the intrusion of the courts into the administration of the prisons, and we will provide some degree of fact-finding so that when or if the matter reaches Federal court there will be a record upon which to proceed in a more efficient manner.

I would also like to take this opportunity to thank the 56 Members who joined me as a cosponsor of H.R. 2468. Their commitment to a fair and efficient judicial system is to be commended. In addition to the strong support this proposal has had here in the House, H.R. 2468 has been endorsed by Mr. Norman Carlson, Director of the Federal Bureau of Prisons from 1970 until 1987, and Mr. Michael Quinlan, Director of the Federal Bureau of Prisons from 1987 until 1992. Former U.S. Attorney General Dick Thornburgh has written to me stating that:

> An exhaustion requirement [as imposed by H.R. 2468 and now H.R. 2076] would aid in deterring frivolous claims: by raising the cost, in time/money terms, of pursuing a Bivens action, only those claims with a greater probability/magnitude of success would, presumably, proceed.

Mr. Thornburgh also points out that an administrative review process would also aid the Federal courts by allowing for preliminary fact-finding and the creation of a record at the Bureau level, so as to clarify the issues to be presented to the court.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I rise in strong support of H.R. 2076 and I commend Mr. ROGERS for bringing this conference report to the floor.

I want to speak particularly about title VIII of the conference agreement, which contains important provisions concerning prison litigation reform. These provisions were proposed by the Senate conferees and are substantially similar to the prison litigation reform legislation which passed the House—earlier this year.

Title VIII will provide much needed relief to States dealing with the problems of unreasonable Federal court

intervention in the operation of prisons and frivolous litigation by prisoners.

For too long, Federal judges have been attempting to micromanage correctional facilities throughout the country. Judicial intervention in local prison management has often resulted in the release of dangerous criminals.

This legislation will ensure that relief granted to prisoners who claim their rights are being violated by prison officials will go no further than necessary to remedy the alleged violation, and that imposing a prison population cap should absolutely be a last resort. It will also prevent the permanent court supervision of correctional facilities by allowing a party to move for the termination of court-ordered prospective relief within set time periods.

Title VIII will also significantly curtail the ability of prisoners to bring frivolous and malicious lawsuits by forcing prisoners to exhaust all administrative remedies before bringing suit in Federal court.

In addition, Title VIII will require a Federal court to dismiss, on its own motion, lawsuits which do not state a claim upon which relief may be granted or are frivolous or malicious. Furthermore, a prisoner who filed a lawsuit in Federal court will have to pay at least a nominal filing fee if he has sufficient assets.

For too long the Federal courts have entertained meritless claims by inmates, and have imposed unreasonable and unnecessary burdens on State and local correctional authorities. As a consequence, taxpayers' resources have been wasted, and efforts to protect the public safety have been compromised. It's time we restored some balance and common sense to the judiciary's handling of prison litigation.

Mr. Speaker, the provisions in this conference report which reform prison litigation are desperately needed. I urge my colleagues to pass the report.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Michigan [Mr. CONYERS], the ranking member of the Committee on the Judiciary.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I thank my friend, the gentleman from West Virginia, for yielding time to me.

Mr. Speaker, I congratulate the chairman of this subcommittee of the Committee on Appropriations, who is the nicest guy that has ever run through a rotten bill. It is a wonderful feat. Everybody brags about him, but the bill stinks, thank you very much.

The President is going to veto the measure. He has told us that over and over and over again. Even a Republican Attorney General came before the Senate and told them that the provisions dealing with terminating all consent decrees is unconstitutional, we do not need an ex-Republican Attorney General to find that out, and that it would not stand constitutional muster. It never got changed.

What about the most authorizing on an appropriation that has happened this year? It happened in this nice chairman's bill here that is loaded with judicial matters.

I urge my colleagues to vote against the Commerce, Justice, State appropriations conference report. This conference report improperly includes substantive legislative provisions regarding prison litigation reform and truth in sentencing. In addition, the bill severely cuts funding for both drug courts and the President's Cops on the Beat Program. We cannot incarcerate ourselves out of crime.

None of these provisions belong in an appropriations bill. These are matters clearly within the jurisdiction of the Judiciary Committee and I am distressed that the Judiciary Committee's jurisdiction has been subverted in this way.

The prison litigation reform provisions are problematic for several reasons. First, these provisions would have an enormous, negative fiscal impact on the Federal judiciary. According to the Administrative Office of Courts, requiring the Federal judiciary to hold a trial in every future prison conditions case and in every case that is currently operating under a consent decree, and requiring that such a hearing be held every 2 years thereafter could cost $239 million annually and require the hiring of 2,096 new personnel. Notwithstanding this price tag, the bill does not appropriate any funds for the Federal judiciary to offset these costs.

Second, the provisions would render emergency relief ineffective. Preliminary injunctions would mandatorily terminate 90 days after entry unless the court made the injunction final within the 90-day period. It is virtually impossible for the parties to complete discovery and for the court to complete a trial and issue a decision within 90 days. Preliminary injunctions are designed to address emergencies, often involving life and death situations that warrant attention in advance of the time that is required to conduct a full-blown trial.

Termination of a preliminary injunction, without attention to whether there is good cause for the injunction to remain in effect, and without allowing adequate time for the parties to conduct discovery and the court to hold a trial would deprive a court of the power to prevent a defendant from returning to life threatening practices. Federal courts would be prevented from issuing any relief in prison or jail conditions cases without a finding of a violation of law, effectively prohibiting court-enforceable settlement agreements.

Third, the provisions would require a court to terminate relief, upon motion of either party, 2 years after issuance or 2 year's after the Act's enactment unless the court holds a trial and finds an ongoing violation of law. In effect, this would legislatively authorize defendants to revert to practices that run afoul of the Constitution or Federal statutes without consequence until the court could conduct a trial and reissue relief. This provision also fails to take into account the fact that changing systemic problems often takes years.

Fourth, the bill would prevent the Federal courts from remedying egregious abuses suffered by prisoners. The provisions in the bill would apply to all prisoner initiated lawsuits, not merely frivolous lawsuits. Thus lawsuits seeking to enjoin the rape of juvenile and female prisoners by prison guards, suits to enjoin sadistic beating of prisoners, and the failure to provide prisoners with minimally adequate medical care would all be prevented by this legislation.

Finally, the prison litigation reform provisions are unconstitutional as written. Witnesses called by both sides at a Senate Judiciary Committee hearing this past July agreed that changes were necessary before the bill could pass constitutional muster.

For example, former Attorney General William Barr, who testified in support of the general principles behind the bill, testified that the termination of all existing consent decrees is unconstitutional. The changes suggested by the witnesses to make the bill constitutional are not reflected in the current language.

The truth in sentencing provisions in the conference report are also troubling. Current law evenly distributes funding for prisons. But under the new provisions in this bill, some states will totally be denied funding and states that make only modest improvements in relatively weak sentencing schemes will be highly favored over states with long-standing, tougher policies. Moreover, funds will be unfairly and irrationally allocated among the states so that low population states with relatively little violent crime will often get the same funding as high population states with serious violent crime problems.

Finally, the conference report contains block grants for both the Cops on the Beat Program and the Drug Court Program. If states are given block grants for general law enforcement purposes rather than given money to be spent on hiring more police officers, the President will not be able to fulfill his pledge to put 100,000 more cops on the beat. Putting police officers on the streets, walking the beat, has proven effective. There is no reason to halt the funding for a program that has been shown to reduce crime and increase public confidence in police. Similar logic applies to the drug courts program. We should not stop funding programs that have been shown to reduce crime.

Because I object to this use of an appropriations bill as a way to subvert the Judiciary Committee's jurisdiction and because the bill contains provisions which are substantively harmful, I urge a no vote on the conference report.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. BROWNBACK].

(Mr. BROWNBACK asked and was given permission to revise and extend his remarks.)

Mr. BROWNBACK. Mr. Speaker, I rise for the purpose of engaging the distinguished chairman of the subcommittee, who I think wrote an extraordinarily good bill, in a colloquy.

Mr. Speaker, I would like to point out that this bill is the first step toward eliminating the Department of Commerce. As Senator majority Leader DOLE said yesterday in a Wall Street Journal opinion page piece, and I quote: ''We are firmly committed to eliminating the Commerce Department this year so that we may establish, in practice, the principle that wasteful programs and agencies no longer have permanent tenure in the Federal Government.'' I will be entering this article into the RECORD.

Mr. Speaker, I would ask the gentleman from Kentucky [Mr. ROGERS], am I correct in assuming the Commerce dismantling language must take place in the authorization process.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, the gentleman is correct. Any legislation dealing with the reorganization of the Commerce Department must be addressed in the authorization process. We have certainly taken a first step in this bill by terminating the Advanced Technology Program and taking significant reductions in many Commerce agencies and individual programs.

Mr. BROWNBACK. Mr. Speaker, I thank the gentleman very much.

[From The Wall Street Journal, Dec. 5, 1995]

'REINVENT' COMMERCE DEPARTMENT OUT OF EXISTENCE

(By Bob Dole and Spencer Abraham)

The 1994 Republican landslide came about because we had a clear message that resonated with the American people: Government should be smaller, more local, less intrusive, and less costly. Our welfare and budget measures constitute large steps in the right direction. But to fulfill our mission we also must reduce the size of the federal government by eliminating programs that are unnecessary, duplicative and wasteful.

No agency fits this description better than the Commerce Department. The department's own inspector general calls it ''a loose collection in more than 100 programs.'' The nonpartisan General Accounting Office notes that it shares its ''missions with at least 71 federal departments, agencies, and offices.'' And this loose collection of ill-defined programs has no unifying purpose or goal. Former Commerce Secretary Robert Mosbacher notes that the department's is ''nothing more than a hall closet where you throw in everything that you don't know what to do with.'' Even the president's own Office of Management and Budget acknowledged the department's lack of purpose by sending home 67% of Commerce's bureaucrats as ''nonessential'' during the recent government shutdown.

We are firmly committed to eliminating the Commerce Department this year so that we may establish, in practice, the principle that wasteful programs and agencies no longer have permanent tenure in the federal government. This is not to say that we can or should begin a wholesale dismantling of the federal government. But as a federal bureaucracy, the Commerce Department simply has no reason to exist.

Defenders of the Commerce Department contend that it has a clear purpose: to promote U.S. international trade. They claim that the department's trade advocacy and counseling efforts ''returned * * * to the federal Treasury for every * * * in export promotion.'' According to this view, it is federal bureaucrats who secure foreign contacts for American businesses, thus holding the American economy together.

This is obviously not true. As former Clinton economic adviser Robert Shapiro of the Progressive Policy Institute says: ''All you can do with [export promotion] is increase jobs for companies with the clout to get the subsidy. But that's at the expense of industries that don't have the clout. You're just shifting things around.''

Many of the department's other programs are simply taxpayer subsidies for some of America's biggest corporations. The U.S. Travel and Tourism Administration subsidizes tourism, while the Technology Administration and the National Institute of Standards and Technology subsidize corporate research. These programs take money from taxpayers and successful companies to fund bureaucrats' favorite companies and projects. And this comes at a heavy cost—the cost of employing 37,500 bureaucrats at an average salary of $42,000. That's about $10,000 more per year than the average Kansas or Michigan family earns.

In reality, most of the tens of thousands of bureaucrats in the vast Commerce Department building on Pennsylvania Avenue do nothing to promote U.S. trade. Some claim that the Commerce Department is required by our Constitution, because that document makes regulating commerce a federal function. But, in fact, about half of the department's $3.6 billion budget is consumed by the National Oceanic and Atmospheric Administration, the nation's weather and ocean mapping service. And while 19 federal agencies are charged with promoting U.S. exports, Commerce directs only 8% of federal spending toward trade promotion.

The Commerce Department's functions can be done without, or done more efficiently by other agencies, or the states, or the private sector. This does not mean, however, that we would or should terminate all the department's functions. Instead, after eliminating the umbrella organization and its bureaucracy, we would eliminate unneeded programs, transferring or privatizing programs that are necessary.

An example of a Commerce program that needs to be eliminated outright is the Economic Development Administration. At one point, 40% of the EDA's loans were in default, while economic assistance grants were being distributed to such affluent areas as Key Biscayne, Fla. Even when it is effective, the EDA duplicates the efforts of numerous other programs in other departments. Other programs that should be eliminated include the Technology Administration and the National Telecommunications and Information Administration. The latter outfit issues telecom grants; for example, it recently gave $200,000 to HandsNet Inc., a California-based Internet service used by liberal lobbyists. The last thing our government should be paying for is lobbying aimed at making it spend more taxpayer dollars.

While those programs should be eliminated, others, like the National Oceanic and Atmospheric Administration, should be moved to more appropriate agencies or to private institutions. For example, seafood inspection should be transferred to the Agriculture Department, which already carries out most food inspection programs. As for international trade programs, the bulk of these should be sent to a single, unified trade agency incorporating the existing U.S. Trade Representative's office.

This is the way to effectively ''reinvent'' government. Our Commerce Department elimination plan would save $6 billion over seven years. By eliminating unnecessary programs and bureaucracies, like those now churning away within the Commerce Department, we can bring federal spending under control. And guess what? The really essential functions of government will be done more efficiently than ever before once the federal bureaucracy isn't wasting its time on so many unnecessary efforts.

Mr. CHRYSLER. Mr. Speaker, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Michigan.

Mr. CHRYSLER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to thank the chairman of the committee for helping us advance the cause to eliminate this unnecessary bureaucracy this year. May we assume that the chairman remains committed to dismantling the Department of Commerce, and that he will continue to work with us to do so in the authorization process this year?

Mr. ROGERS. Mr. Speaker, as the gentleman from Michigan knows, we have worked closely on these efforts this year, and I will continue to support the process that has been established.

Mr. CHRYSLER. I thank the chairman, and I thank the gentlewoman from New York [Ms. MOLINARI] for her work on eliminating woman abuse. I wholeheartedly support her efforts.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the subcommittee on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I am opposed to this bill. I think it ought to be beaten. I am in favor of the motion to recommit that will be offered by the gentleman from Colorado [Mr. SKAGGS] to require the retention of the Cops on the Beat Program. The President has clearly indicated he will veto this bill if the Cops on the Beat Program is not restored.

This program is putting 26,000 cops in 175 communities all around the country, including 32 in my district. Forty-nine percent of the police agencies in communities under 50,000 people have applied for funding under the COPS Program. I think this indicates this is not just a program which is popular in urban areas. The Justice Department has requests for over 9,000 more to be funded right now. That, to me, indicates that communities are highly desirous of obtaining help under this bill.

I think the block grant program is a mistake. We have seen in the past outrageous examples of waste in that program. We do not want to repeat it. I urge Members to support the Skaggs motion to recommit.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM] who has been very active on the block grant program.

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman very much for yielding time to me.

Mr. Speaker, I have been listening to this debate here about the COPS Program. I find it fascinating to hear it, and the block grant program and so on.

I think we are dealing here with a fundamental difference between Republicans and Democrats. We have been a long time in making this block grant program and in making our point about it. What we are doing with the COPS Program and with the prevention programs that were passed in the last Congress is we are consolidating

them into a $10 billion block grant program, $2 billion of which is in this bill for the first year over 5 years today before us as well as the authorization. What we are in the process of doing is saying to the cities and the counties, ''You know best how to spend that money to fight crime.'' It makes a whole lot more sense to us.

□ 1745

Democrats on that side of the aisle want the same old business as usual up here that Washington knows best, and I do not think that is true. I think Spokane, WA knows better how to spend its money to fight crime and Charleston, SC knows better how to spend its money, and what is good for Spokane may not be good for Charleston.

The same thing is true for the COPS of the Street Program, which is what we are talking about. We are hearing about this bill being vetoed over that issue. I want to make the point that the choice is not between more police and block grants. The choice is between more police under the COPS Program versus more police at less cost to localities with greater flexibility under the block grant proposal.

Not one single cop that has been funded so far of the 26,000 would be lost or 1 year of funding under what we wrote that is in this bill. I do not care what the Justice Department says, I helped write the language, and I am very confident of that.

In addition to that, under your proposal, as you can see from this chart, the 74,000 more cops that the President is going to get under his plan over here under the 100,000 are easily going to be funded by the cities in making their choice over here, with only about a third of the block grant money. I am confident that is going to take place. I am confident because in one measure the President of the League of Cities wrote a letter to me yesterday that I want to introduce into the RECORD right here.

NATIONAL LEAGUE OF CITIES,
Washington, DC, December 5, 1995.

Hon. BILL MCCOLLUM,
Chairman, Subcommittee on Crime and Criminal Justice, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the nation's 135,000 municipal elected leaders from cities and towns across the country to reaffirm our continued support for your leadership efforts to make the federal anti-crime partnership more efficient and effective in addressing local crime and violence. Rather than supplanting police officers, we believe your public safety block grant legislation would have the effect of enabling us at the local level to take initiatives to put more police officers on the street to enhance neighborhood safety.

Just this last week, more than 4,100 of our members met at our Congress of Cities in Phoenix and voted unanimously to adopt national municipal policy urging greater flexibility for municipal officials to take steps to address public safety in our communities. No level of government has a greater stake in federal anti-crime and safety efforts, so the response from our members—Republicans, Democrats, and Independents—from cities and towns of all sizes, reemphasizes our support for the positive steps you are taking to address the public safety needs of cities.

Our experience is that the kinds of approaches to and needs for public safety vary enormously from city to city, as do local resources. Consequently, we are apprehensive that any one-size-fits-all approach or one that requires a match irrespective of demands and local resources limits our ability and flexibility to meet local issues as effectively as possible. We are concerned that the debate between the existing cops program and your legislation is elevating form over substance.

We believe your legislation could lead to initiatives and programs that would put more, not less officers on the street than current law. It would permit cities to purchase equipment, to move trained personnel onto the streets, and to take other actions to insure more effective and efficient responses. Equally importantly, it is more balanced in meeting the needs of cities with disproportionately limited resources and higher crime and violence rates. These are critical issues to us.

Our members strongly believe that your proposal would make for a more effective and flexible partnership on one of the highest priorities of every municipal leader in America. We appreciate your efforts and look forward to positive action by the Congress.

Sincerely,

GREGORY S. LASHUTKA,
President, Mayor of Columbus.

It says, ''We believe that your legislation could lead to initiatives and programs,'' talking about the block grants, ''that would put more, not less, officers on the streets than current law. It would permit cities to purchase equipment, to move trained personnel onto the streets, and to take other actions to ensure more effective and efficient responses. Equally important, it is more balanced in meeting the needs of cities with disproportionately limited resources and higher crime and violence rates. These are critical to us.''

Mr. Speaker, the fact of the matter is, cities and communities around this country with block grants are going to put more cops, more than 100,000, on the streets with this flexibility that they want. The police chief in Washington, DC, Chief Thomas, testifying before my subcommittee this summer, said in response to a question that Mr. Davis asked, ''Would you prefer to put that money into technology as opposed to new officers at this point?'' Chief Thomas responded, ''Yes, I would. I think that is a better use of our dollars to improve the infrastructure in the department.'' The Washington Post said the block grant program is a better program.

My point is that we are dealing here now with an opportunity for us to get this clarification we need on the record. This is a form-over-substance thing for those who are opposing it.

The COPS Program is a good program. It is what the cities and communities want under the block grant system, not the President's proposal, but the block grant proposal that is in this bill that allows them maximum flexibility and gets more police officers, and the other is nonsense.

Mr. MOLLOHAN. Mr. Speaker, I yield the remainder of the time to the distinguished gentleman from New York [Mr. SCHUMER].

[Mr. SCHUMER asked and was given permission to revise and extend his remarks.]

Mr. SCHUMER. Mr. Speaker, this conference report is a Christmas gift to America's violent felons. Every gun-toting gang-banger, every ruthless drug lord, every violent carjacker on America's streets should celebrate tonight if this bill passes, because it will mean fewer cops on the street and fewer prison cells to put them away once the cops apprehend them. The report is so filled with bad ideas it ought to be called the ''Soft-On-Violent-Criminals Act.''

Here are just three of the worst ideas: First, it kills the COPS Program, as has been mentioned. Every major police organization in America opposes this bill because they know it will mean fewer cops. They know it will give money to mayors and governors and all sorts of politicians to do what they want with it, not to put cops on the street.

Now the gentleman from Florida [Mr. MCCOLLUM] defends the block grant program, and he is my friend and I respect him. Let us hear what NEWT GINGRICH said about the block grant program. He said, this is Speaker GINGRICH, the exalted leader, the man who brought you to the Promised Land. He said

> If they say to me, in the name of fighting crime, will I send a $2 billion check to the cities, many of which have destructive bureaucracies, to let the local politicians build a bigger machine with more patronage, my answer is no. What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it.

The last time we did a block grant, a small town in Louisiana bought a tank. The Governor of Indiana bought a jet plane. A study was even financed to figure out why inmates want to escape from prison.

And to boot, 23 States will get less money to build prisons under the Republican proposal. Your State is probably on the list. Take a look when we come to the door.

Less money for cops, less money for prisons. It just does not make any sense. And instead, a giant pork barrel that says to governors and mayors: put your brother-in-law on the payroll, buy useless equipment, do not put cops on the street.

This bill, simply because COPS was originally an idea of Democrats, simply because Democrats wanted to get tough on crime, came about as an alternative. It is a weak alternative. The President should veto it, and then we should support law enforcement, support prisons, support cops, and put a better bill together. I strongly urge a vote against this wasteful, soft-on-crime proposal.

Mr. ROGERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the gentleman portrays the idea that the COPS Program put more policemen on the beat than the local block grant will. Nothing could be further from the truth. If you want to know the answer to the question of which is best for our communities, let me refer you, gentleman, to the mayor of Columbus, OH, who happens to be the president of the National League of Cities who wrote a letter just yesterday to us, and I will submit it for the RECORD.

He says, and we have lifted this portion from the letter: ''We believe your legislation,'' the block grant program, ''could lead to initiatives and programs that would put more, not less, officers on the street than current law. It would permit cities to purchase equipment, to move trained personnel onto the streets, and to take other actions to ensure more effective and efficient responses. Equally important, it is more balanced in meeting the needs of cities with disproportionately limited resources and higher crime and violence rates. These are critical issues to us.'' So says the mayor of Columbus, OH, and so says the League of Cities of the United States of America.

The National Association of Chiefs of Police, the people who have to enforce our laws, says, please give us the block grant program. We need cops, yes. We also need bulletproof vests for those cops. We need police cars. We need radios, we need equipment. Let us decide where to put the money. Do not tell us from Washington with your cookie-cutter approach, one-size-fits-all, do not tell us what we need. Give us the money to fight crime in our cities, do not tell us how to use it.

So we say to you, support this bill, reject the motion to recommit, and let us put those cops on the beat as the cities and communities want them. Vote against the motion to recommit and support the conference report.

NATIONAL LEAGUE OF CITIES,
Washington, DC,

HON. BILL MCCOLLUM,
Chairman, Subcommittee on Crime and Criminal Justice, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the nation's 135,000 municipal elected leaders from cities and towns across the country to reaffirm our continued support for your leadership efforts to make the federal anti-crime partnership more efficient and effective in addressing local crime and violence. Rather than supplanting police officers, we believe your public safety block grant legislation would have the effect of enabling us at the local level to take initiatives to put more police officers on the street to enhance neighborhood safety.

Just this last week, more than 4,100 of our members met at our Congress of Cities in Phoenix and voted unanimously to adopt national municipal policy urging greater flexibility for municipal officials to take steps to address public safety in our communities. No level of government has a greater stake in federal anti-crime and safety efforts, so the response from our members—Republicans, Democrats, and Independents—from cities and towns of all sizes, reemphasizes our support for the positive steps you are taking to address the public safety needs of cities.

Our experience is that the kinds of approaches to and needs for public safety vary enormously from city to city, as do local resources. Consequently, we are apprehensive that any one-size-fits-all approach or one that requires a match irrespective of demands and local resources limits our ability and flexibility to meet local issues as effectively as possible. We are concerned that the debate between the existing cops program and your legislation is elevating form over substance.

We believe your legislation could lead to initiatives and programs that would put more, not less officers on the street than current law. It would permit cities to purchase equipment, to move trained personnel onto the streets, and to take other actions to insure more effective and efficient responses. Equally importantly, it is more balanced in meeting the needs of cities with disproportionately limited resources and higher crime and violence rates. These are critical issues to us.

Our members strongly believe that your proposal would make for a more effective and flexible partnership on one of the highest priorities of every municipal leader in America. We appreciate your efforts and look forward to positive action by the Congress.

Sincerely,

GREGORY S. LASHUTKA,
President, Mayor of Columbus.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, now is not the time to terminate this successful COPS Program.

Mr. Speaker, I rise in support of the COPS Program, and in opposition to H.R. 2076.

The American people are demanding tough and effective solutions to our Nation's crime problem. That's why Congress passed the most sweeping crime bill in U.S. history last year. That important legislation created the COPS Program, which is already making our streets safer by putting more than 25,000 new police officers on American streets in its first year.

In my district alone, the COPS Program has provided funding for almost two dozen new officers to patrol the streets of Marin and Sonoma Counties. These officers are helping to protect my constituents from violent criminals, and officers like them are sharply reducing crime rates throughout the country.

Now, just as we are beginning to see a significant reduction in crime, the other side wants to take thousands of officers off our streets and leave local communities without adequate police protection. This legislation will put the American people at risk by eliminating the COPS Program and slashing funding for crucial crime prevention efforts.

Now is not the time to be terminating successful anticrime initiatives like the COPS Program. I urge my colleagues to vote for the motion to recommit, and to vote against this misguided bill.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Mr. GENE GREEN.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I also place in the RECORD a letter from the United States Conference of Mayors opposing this.

The Commerce-Justice-State appropriations conference report cuts 12 percent from the administration's request. This report eliminates the successful Cops-on-the-Beat Program and replaces it with a block grant to States. We do not know that this block grant will provide more police on our streets, it could be used for many other purposes.

In my district in Houston, our Mayor Lanier and Police Chief Nuchia have used the Cops-on-the-Beat to add 376 more police officers on the streets of Houston. It is a success and yet the Congress wants to kill it—I hope President Clinton vetoes this bill because we need to keep these 376 police officers on our Houston streets—not have them lost in the bureaucracy.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, December 6, 1995.

HON. CHARLES SCHUMER,
Ranking Member, Subcommittee on Crime, Committee on the Judiciary, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. SCHUMER: As the Subcommittee on Crime begins an oversight hearing on the COPS program, I am writing to apprise you of the strong support of The U.S. Conference of Mayors for the program. We worked very hard with Congress and the Administration last year to see the program enacted into law. The U.S. Department of Justice, and the COPS Office in particular, have worked very hard since then to implement it in a quick and effective fashion, and it has already begun to make a difference on the streets of our cities. They have been extremely responsive to the needs and requests of our cities.

We are aware that there are proposals in Congress to change the COPS program into a block grant and that, in fact, the conference agreement on the Commerce, Justice, State appropriations bill would substitute the block grant for FY96. We believe that changing the program at this time would be a mistake. Cities have allocated money and personnel to the program and have budgeted for the future with the COPS program in mind. While a block grant is quite tempting, we have a program on hand which is working. We are concerned that changing the program at this time would represent bad public policy and could jeopardize some of the progress we have made in our cities to prevent and control crime.

Change now also seems premature since the Subcommittee is just now holding an oversight hearing. We recommend that Congress examine the program's effectiveness through the oversight process before considering changes in it.

At the annual meeting of The U.S. Conference of Mayors last June we adopted a policy resolution which reiterated our continuing support for the COPS program and called on Congress to provide full funding for it in the future. We urge you to help us see this happen.

Sincerely,

WELLINGTON WEBB,
Mayor of Denver,
Chair, Criminal and Social Justice Committee.

Mr. ROGERS. Mr. Speaker, the gentleman from Iowa [Mr. LIGHTFOOT], chairman of the Treasury, Postal Service Appropriations Subcommittee has expressed his concerns to me regarding the Organized Crime and Drug Enforcement Task Forces. As the gentleman from Iowa and I both know, there has been a

long history of cooperation between the Treasury and Justice Departments on the Organized Crime and Drug Enforcement Task Forces [OCDETF], with nearly a third of the assigned agents coming from Treasury agencies. These task forces have been successful in part because of Treasury's specialized expertise in money laundering, financial crime, tax law and other matters. Treasury's expertise is particularly critical in drug racketeering cases, and can often clinch a case for a jury and make the difference between a conviction and an acquittal. The appropriation for these task forces has been reduced $15 million below the House level. As indicated in the Statement of Managers, the conferees intend that reductions be made proportionately among all law enforcement agencies, not just from Treasury and the Coast Guard, based on each agency's task force requirements and participation. The conferees will work to ensure funds are distributed fairly, and have required Justice to report back to the committee on the allocation of these funds.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the conference report on H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Programs for fiscal year 1996. This bill will cripple many of our Nation's most important governmental functions so that the interests of the American people will not be well served.

Excluding the money from the violent crime control trust fund, established in the 1994 Crime Control Act (Public Law 103–322), this bill appropriates 13 percent less than requested by the Clinton administration. This legislation cuts the State Department by 9 percent and the Commerce Department by 15 percent.

In addition to these overall reductions, the conference report also eliminates funding for many governmental programs that have proven to be excellent investments of Federal dollars. The conference report on H.R. 2076 eliminates the advanced technology program that has created thousands of jobs across this Nation. The bill also eliminates the U.S. Travel and Tourism Administration, which provides assistance to one of America's fastest growing industries, an industry that provides jobs to millions of Americans.

In the Justice portion of the bill, the committee has failed to follow through with the President's unprecedented efforts to fight crime. The bill provides for $281 million less than requested by the Clinton administration for the Department of Justice. This substantial cut in crime fighting dollars for many programs that would have played an essential role in our efforts to make our citizens safer is short sighted and dangerous.

Crime control measures supported by the administration to prevent crime, hire more police officers and fight the scourge of drugs will be substantially cut or eliminated in this conference report. The report would slash funding for the highly successful and popular cops program that responds to the public's desire for an increased police presence in our communities. As a result of the cuts in this legislation, the hiring of new police officers under the cops grant program would be ended, and instead, a Republican local law enforcement block grant program would replace mechanisms set up in the 1994 crime bill to fund local crime fighting.

Mr. Speaker, the appropriation for the Department of Commerce is a devastating $1.3 billion—27 percent—below the total requested by the administration. The conference report hampers our Government's efforts to promote economic development and technology advancement. As a result of the draconian cuts to the Department of Commerce, the Economic Development Administration originally targeted for elimination would survive, but would be cut by over 21 percent. In addition, the National Institute of Standards and Technology would be drastically cut by over 60 percent. This program includes the successful manufacturing extension partnership program that has helped our Nation's industries create jobs for thousands of Americans.

Economic opportunities for women and minorities will also be substantially curtailed by the legislation we are considering today. The minority business development agency will be cut by over 33 percent. This irresponsible and unjust slashing of the budget for this important agency will lead to the foreclosing of economic opportunities for thousands of Americans who must also endure the ravages of systematic discrimination.

Next, the Legal Services Corporation, that provides vital legal assistance to poor Americans who cannot afford an attorney, has also been targeted for substantial cuts. In addition to cutting the budget for the Legal Services Corporation by a staggering 37 percent, this appropriations bill prohibits attorneys from receiving Federal assistance when representing illegal aliens, initiating class action suits or participating in litigation involving prisoners or abortions. There are few more sacred rights possessed by Americans than their right to seek redress in the courts. This attack on the Legal Services Corporation is yet another attempt by the new Republican majority to weaken programs which are politically unpopular with conservatives.

Mr. Speaker, I would also like to add that the attempt by the majority to curtail essential governmental services to the American public is clearly inappropriate. This action circumvents the appropriate authorizing committees that should consider the proposed elimination or weakening of so many important laws. With limited opportunity for debate and hearings, this ''legislation'' in an appropriations bill is clearly an unjustifiable circumvention of the procedures of the U.S. House of Representatives. This attempt to short circuit the process can only have one result: The compromise of vital services affecting the poor, minorities, women, and Americans overall.

It is my belief that the conference report for H.R. 2076 and the circumstances under which it is presented in this House is an attempt to mislead the American people to believe that simplistic solutions will cure what ails this Nation. Nothing could be further from the truth. As our Nation faces an epidemic of crime, discrimination and poverty, the solution to these problems will not be found in quick fixes by slashing programs unpopular with the Republican majority. The American people elected us to act in their best interest, not compromise their welfare because Government refuses to have the courage to meet its obligations to all of its citizens.

Mr. Speaker, in closing, I would again like to express my opposition to the misguided priorities this bill represents. I strongly encourage all of my colleagues to vote against the conference report on H.R. 2076.

Mr. TAYLOR of North Carolina. Mr. Speaker, let me first applaud Chairman ROGERS, the Committee, and the Committee staff for their extraordinary efforts in producing this fiscal year 1996 Commerce, Justice, State and Judiciary appropriations bill. Furthermore, I would like to acknowledge the Committee's support for initiatives under the National Institute on Justice [NIJ] account, and in particular the language that encourages the NIJ to undertake a national study on correctional health care.

This language carries a considerable amount of importance to our Nation's criminal justice system and not-for-profit organizations devoted to assisting states with correctional health care programs. For example, in North Carolina, the National Commission on Correctional Health Care has been working with health and correctional officials in an effort to stem escalating costs and other problems associated with correctional health care. Understanding the potential health risk associated with the more than 11 million persons that are released from jails, prisons, and juvenile correctional facilities annually, the National Commission assists correctional and public health officials throughout the country with correctional health care concerns. As we look to advance the efforts that provide data relevant to crime and the criminal justice system at NIJ, efforts like that of the National Commission should be encouraged.

I thank Chairman ROGERS for his support on this matter, and I urge the committee's continued support for activities related to the National Commission and correctional health care.

Mr. MARTINI. Mr. Speaker, I rise today as a former Federal prosecutor to discuss a topic that unfortunately, directly impact so many of our constituents.

Crime in this country has reached epidemic proportions, and it is time this body got serious about restoring the rule of law to our society.

Today 8 out of every 10 Americans can expect to be the victim of a violent crime at least once in their lives.

Indeed, the fight against crime engages us in a struggle that affects the very core and future of American society.

As the 104th Congress joins in this fight, I urge all of my colleagues to support the conference report before us today.

It allocates to this battle a very significant amount of money in a very sensible way.

It takes us away from the Washington-knows-best of the 103rd Congress, and sends decision making back to the local law enforcement agencies.

I congratulate my colleagues on the Appropriations Committee for following through on the Judiciary Committee's fine work, and look forward to supporting this conference report.

Mrs. MINK of Hawaii. Mr. Speaker, I am pleased that the Commerce-Justice-State appropriations conference report includes $11.75 million for the East-West Center in Honolulu, HI.

The brain child of President Lyndon B. Johnson, the East-West Center has been dedicated to improving the mutual understanding and cooperation among the governments and peoples of the Asia-Pacific region for 35 years. The Center, established in 1960, helps prepare the United States for constructive involvement in Asia and the Pacific through education, dialog, research and outreach.

Over 35,000 Americans, Asians and Pacific Islanders from over 60 nations and territories have participated in the East-West Center's educational, research and conference programs. Presidents, prime ministers, ambassadors and distinguished scholars and statesmen from all parts of the region have used the Center as a forum to advance international cooperation.

Among, its most important functions is its graduate program which brings together students from all over the United States and the Asia-Pacific region to study specific issues related to the Asian Pacific region and develop through personal contact mutual understanding and cooperation among the Asia-Pacific nations, including the United States. Most of these students go on to assume positions in government, business, the media and academia in their respective countries and utilize their experience at the East-West center to shape policy and foster understanding among Asia-Pacific nations.

Mr. Speaker, at a time when we face unparalleled challenges in Asia and the Pacific continuing the work of the center is more important now than ever. I am pleased that the conference committee affirmed the important role of the East-West center by continuing Federal support.

Mr. KIM. Mr. Speaker, I rise today in support of H.R. 2076, the Commerce, State, Justice Appropriations bill which provides needed funds to the states, especially my state of California, to pay for the costs of illegal immigrants. The decision by Judge Mariana Pfaelzer to strike many important portions of the vote-passed Proposition 187, which had eliminated state support for illegal aliens, stresses the need for this Congress to respond to the growing problem of illegal immigration. Judge Pfaelzer ruled that illegal immigration was a federal problem requiring a federal solution. While this is not the ultimate or best solution, it certainly is an acceptable interim step.

H.R. 2076 would provide $500 million to lift from the backs of state taxpayers the cost of incarcerating illegal immigrant felons. In addition, this important appropriations measure would provide for an additional $300 million to fight the problem of illegal immigration at the border.

While not in this specific Conference Report, I would like to take this opportunity to point out that the Balanced Budget Act passed by Congress also provides $3.5 billion for assisting the states with the cost of emergency health care for illegal immigrants. This is an important initiative about which Speaker GINGRICH and I first announced a month ago in Yorba Linda in my district. The people of California are strongly in favor of this needed reimbursement and rightly deserve it.

I ask my colleagues, especially those who represent districts equally affected by the problem of illegal immigration, to support the passage of this important legislation.

The SPEAKER pro tempore [Mr. EMERSON]. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. SKAGGS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SKAGGS moves to recommit the conference report on the bill H.R. 2076 (H. Rept. 104–378) to the committee of the conference report with the instruction that within the scope of the differences committed to them, that the managers on the part of the House insist that the funds intended for community policing from within the $1,903,000,000 provided under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, in the conference substitute be provided instead pursuant to the Public Safety Partnership and Community Policing provisions of title I of the Violent Crime Control and Law Enforcement Act of 1994 for which the Senate amendment provided funds.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SKAGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 190, nays 231, not voting 11, as follows:

[Roll No. 840]

YEAS—190

Abercrombie	Dicks	Jacobs
Ackerman	Dingell	Johnson (CT)
Andrews	Dixon	Johnson (SD)
Baesler	Doggett	Johnson, E. B.
Baldacci	Dooley	Johnston
Barcia	Doyle	Kanjorski
Barrett (WI)	Durbin	Kaptur
Becerra	Edwards	Kennedy (MA)
Beilenson	Engel	Kennedy (RI)
Bentsen	Eshoo	Kennelly
Berman	Evans	Kildee
Bevill	Farr	Kleczka
Bishop	Fattah	Klink
Blute	Fazio	LaFalce
Bonior	Fields (LA)	Lantos
Borski	Filner	Levin
Brewster	Flake	Lewis (GA)
Browder	Foglietta	Lincoln
Brown (CA)	Ford	Lipinski
Brown (FL)	Frank (MA)	Lofgren
Brown (OH)	Frost	Lowey
Bryant (TX)	Furse	Luther
Cardin	Gejdenson	Maloney
Clay	Gephardt	Manton
Clayton	Gibbons	Markey
Clement	Gonzalez	Martinez
Clyburn	Gordon	Mascara
Coleman	Green	Matsui
Collins (IL)	Gutierrez	McCarthy
Collins (MI)	Hall (OH)	McDermott
Conyers	Hamilton	McHale
Costello	Harman	McKinney
Coyne	Hastings (FL)	McNulty
Cramer	Hefner	Meehan
Danner	Hilliard	Meek
de la Garza	Hinchey	Menendez
DeLauro	Holden	Mfume
Dellums	Hoyer	Miller (CA)
Deutsch	Jackson-Lee	Minge
Mink	Rahall	Tanner
Moakley	Rangel	Taylor (MS)
Mollohan	Reed	Tejeda
Montgomery	Richardson	Thompson
Moran	Rivers	Thornton
Murtha	Roemer	Thurman
Nadler	Rose	Torkildsen
Neal	Roybal-Allard	Torres
Oberstar	Rush	Torricelli
Obey	Sabo	Towns
Olver	Sanders	Velazquez
Ortiz	Sawyer	Vento
Orton	Schroeder	Visclosky
Owens	Schumer	Ward
Pallone	Scott	Waters
Pastor	Serrano	Watt (NC)
Payne (NJ)	Sisisky	Waxman
Payne (VA)	Skaggs	Williams
Pelosi	Skelton	Wise
Peterson (FL)	Slaughter	Woolsey
Peterson (MN)	Spratt	Wyden
Pickett	Stark	Wynn
Pomeroy	Stokes	Yates
Poshard	Studds	
Quinn	Stupak	

NAYS—231

Allard	Foley	McDade
Archer	Forbes	McHugh
Armey	Fox	McInnis
Bachus	Franks (CT)	McIntosh
Baker (CA)	Franks (NJ)	McKeon
Baker (LA)	Frelinghuysen	Metcalf
Ballenger	Frisa	Meyers
Barr	Funderburk	Mica
Barrett (NE)	Gallegly	Miller (FL)
Bartlett	Ganske	Molinari
Barton	Gekas	Moorhead
Bass	Geren	Morella
Bateman	Gilchrest	Myers
Bereuter	Gillmor	Myrick
Bilbray	Gilman	Nethercutt
Bilirakis	Goodlatte	Neumann
Bliley	Goodling	Ney
Boehlert	Goss	Norwood
Boehner	Graham	Nussle
Bonilla	Greenwood	Oxley
Bono	Gunderson	Packard
Boucher	Gutknecht	Parker
Brownback	Hall (TX)	Paxon
Bryant (TN)	Hancock	Petri
Bunn	Hansen	Pombo
Bunning	Hastert	Porter
Burr	Hastings (WA)	Portman
Burton	Hayes	Pryce
Buyer	Hayworth	Quillen
Callahan	Hefley	Radanovich
Calvert	Heineman	Ramstad
Camp	Herger	Regula
Canady	Hilleary	Riggs
Castle	Hobson	Roberts
Chabot	Hoekstra	Rogers
Chambliss	Hoke	Rohrabacher
Chenoweth	Horn	Roth
Christensen	Hostettler	Roukema
Chrysler	Houghton	Royce
Clinger	Hunter	Salmon
Coble	Hutchinson	Sanford
Coburn	Hyde	Saxton
Collins (GA)	Inglis	Scarborough
Combest	Istook	Schaefer
Condit	Johnson, Sam	Schiff
Cooley	Jones	Seastrand
Cox	Kasich	Sensenbrenner
Crane	Kelly	Shadegg
Crapo	Kim	Shaw
Cremeans	King	Shays
Cubin	Kingston	Shuster
Cunningham	Klug	Skeen
Davis	Knollenberg	Smith (MI)
Deal	Kolbe	Smith (NJ)
DeLay	LaHood	Smith (TX)
Diaz-Balart	Largent	Smith (WA)
Dickey	Latham	Solomon
Doolittle	LaTourette	Souder
Dornan	Lazio	Spence
Dreier	Leach	Stearns
Duncan	Lewis (CA)	Stenholm
Dunn	Lewis (KY)	Stockman
Ehlers	Lightfoot	Stump
Ehrlich	Linder	Talent
Emerson	Livingston	Tate
English	LoBiondo	Tauzin
Ensign	Longley	Taylor (NC)
Everett	Lucas	Thomas
Ewing	Manzullo	Thornberry
Fawell	Martini	Tiahrt
Fields (TX)	McCollum	Traficant
Flanagan	McCrery	Upton

Vucanovich	Watts (OK)	Wicker
Waldholtz	Weldon (FL)	Wolf
Walker	Weldon (PA)	Young (FL)
Walsh	Weller	Zeliff
Wamp	White	Zimmer

NOT VOTING—11

Chapman	Laughlin	Whitfield
DeFazio	Ros-Lehtinen	Wilson
Fowler	Tucker	Young (AK)
Jefferson	Volkmer	

□ 1816

Messrs. DELAY, POMBO, and NEUMAN changed their vote from ''yea'' to ''nay.''

Messrs. NADLER, CRAMER, and BEVILL changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the conference report.

Pursuant to clause 7, rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 166, not voting 10, as follows:

[Roll No. 841]

YEAS—256

Allard	DeLay	Horn
Archer	Diaz-Balart	Hostettler
Armey	Dickey	Houghton
Bachus	Dicks	Hunter
Baker (CA)	Doolittle	Hutchinson
Baker (LA)	Dornan	Hyde
Ballenger	Doyle	Inglis
Barr	Dreier	Istook
Barrett (NE)	Duncan	Johnson, Sam
Bartlett	Dunn	Jones
Barton	Ehlers	Kasich
Bass	Ehrlich	Kelly
Bateman	Emerson	Kim
Bentsen	English	King
Bereuter	Ensign	Kingston
Bevill	Everett	Klug
Bilbray	Ewing	Knollenberg
Bilirakis	Fawell	Kolbe
Bliley	Fields (TX)	LaHood
Blute	Flanagan	Largent
Boehlert	Foley	Latham
Boehner	Forbes	LaTourette
Bonilla	Fox	Laughlin
Bono	Franks (CT)	Lazio
Boucher	Franks (NJ)	Leach
Brewster	Frelinghuysen	Lewis (CA)
Browder	Frisa	Lewis (KY)
Brownback	Funderburk	Lightfoot
Bryant (TN)	Gallegly	Linder
Bunn	Ganske	Livingston
Bunning	Gekas	LoBiondo
Burr	Geren	Longley
Burton	Gilchrest	Lucas
Buyer	Gillmor	Luther
Callahan	Gilman	Manzullo
Calvert	Goodlatte	Martini
Camp	Goodling	McCollum
Canady	Gordon	McCrery
Castle	Goss	McDade
Chabot	Graham	McHugh
Chambliss	Greenwood	McInnis
Christensen	Gunderson	McIntosh
Chrysler	Gutknecht	McKeon
Clinger	Hall (TX)	Metcalf
Coble	Hamilton	Meyers
Coburn	Hancock	Mica
Collins (GA)	Hansen	Miller (FL)
Combest	Harman	Minge
Condit	Hastert	Mink
Cox	Hastings (WA)	Molinari
Cramer	Hayes	Mollohan
Crane	Hayworth	Montgomery
Crapo	Hefley	Moorhead
Cremeans	Heineman	Moran
Cubin	Herger	Morella
Cunningham	Hilleary	Murtha
Danner	Hobson	Myers
Davis	Hoekstra	Myrick
Deal	Hoke	Nethercutt
Neumann	Roukema	Thomas
Ney	Royce	Thornberry
Norwood	Salmon	Tiahrt
Nussle	Saxton	Torkildsen
Orton	Schaefer	Traficant
Oxley	Schiff	Upton
Packard	Seastrand	Visclosky
Parker	Shadegg	Vucanovich
Paxon	Shaw	Waldholtz
Payne (VA)	Shays	Walker
Peterson (MN)	Shuster	Walsh
Petri	Skeen	Wamp
Pombo	Skelton	Ward
Porter	Smith (MI)	Watts (OK)
Pryce	Smith (NJ)	Weldon (FL)
Quillen	Smith (TX)	Weldon (PA)
Quinn	Smith (WA)	Weller
Radanovich	Solomon	White
Rahall	Souder	Whitfield
Ramstad	Spence	Wicker
Regula	Stearns	Wise
Riggs	Stenholm	Wolf
Rivers	Talent	Young (FL)
Roberts	Tate	Zeliff
Roemer	Tauzin	Zimmer
Rogers	Taylor (MS)	
Rohrabacher	Taylor (NC)	

NAYS—166

Abercrombie	Gonzalez	Pallone
Ackerman	Green	Pastor
Andrews	Gutierrez	Payne (NJ)
Baesler	Hall (OH)	Pelosi
Baldacci	Hastings (FL)	Peterson (FL)
Barcia	Hefner	Pickett
Barrett (WI)	Hilliard	Pomeroy
Becerra	Hinchey	Portman
Beilenson	Holden	Poshard
Berman	Hoyer	Rangel
Bishop	Jackson-Lee	Reed
Bonior	Jacobs	Richardson
Borski	Johnson (CT)	Rose
Brown (CA)	Johnson (SD)	Roth
Brown (FL)	Johnson, E. B.	Roybal-Allard
Brown (OH)	Johnston	Rush
Bryant (TX)	Kanjorski	Sabo
Cardin	Kaptur	Sanders
Chenoweth	Kennedy (MA)	Sanford
Clay	Kennedy (RI)	Sawyer
Clement	Kennelly	Scarborough
Clyburn	Kildee	Schroeder
Coleman	Kleczka	Schumer
Collins (IL)	Klink	Scott
Collins (MI)	LaFalce	Sensenbrenner
Conyers	Lantos	Serrano
Cooley	Levin	Sisisky
Costello	Lewis (GA)	Skaggs
Coyne	Lincoln	Slaughter
de la Garza	Lipinski	Spratt
DeLauro	Lofgren	Stark
Dellums	Lowey	Stockman
Deutsch	Maloney	Stokes
Dingell	Manton	Studds
Dixon	Markey	Stump
Doggett	Martinez	Stupak
Dooley	Mascara	Tanner
Durbin	Matsui	Tejeda
Edwards	McCarthy	Thompson
Engel	McDermott	Thornton
Eshoo	McHale	Thurman
Evans	McKinney	Torres
Farr	McNulty	Torricelli
Fattah	Meehan	Towns
Fazio	Meek	Velazquez
Fields (LA)	Menendez	Vento
Filner	Mfume	Waters
Flake	Miller (CA)	Watt (NC)
Foglietta	Moakley	Waxman
Ford	Nadler	Williams
Frank (MA)	Neal	Woolsey
Frost	Oberstar	Wyden
Furse	Obey	Wynn
Gejdenson	Olver	Yates
Gephardt	Ortiz	
Gibbons	Owens	

NOT VOTING—10

Chapman	Jefferson	Wilson
Clayton	Ros-Lehtinen	Young (AK)
DeFazio	Tucker	
Fowler	Volkmer	

□ 1832

The Clerk announced the following pair:

On this vote:

Ms. Ros-Lehtinen for, with Mr. DeFazio against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California submitted the following conference report and statement on the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

CONFERENCE REPORT (H. REPT. 104–384)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2099) ''making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 12, 14, 20, 24, 43, 62, 67, 75, 82, 86, 87, 89, 90, 91, 92, 98, 111, 112, and 116.

That the House recede from its disagreement to the amendments of the Senate numbered, 6, 7, 10, 11, 17, 19, 21, 22, 26, 27, 28, 29, 30, 34, 35, 38, 39, 40, 42, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 64, 69, 73, 78, 79, 84, 85, 88, 93, 95, 96, 97, 99, 100, 101, 103, 106, 107, 108, 113, and 115, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$16,564,000,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$848,143,000: Provided, That of the amount appropriated and any other funds made available from any other source for activities funded under this heading, except reimbursements, not to exceed $214,109,000 shall be available for General Administration; including not to exceed (1) $2,450,000 for personnel compensation and benefits and $50,000 for travel in the Office of the Secretary, (2) $4,392,000 for personnel compensation and benefits and $75,000 for travel in the Office of the Assistant Secretary for Policy and Planning, (3) $1,980,000 for personnel compensation and benefits and $33,000 for travel in the Office of the Assistant Secretary for Congressional Affairs, and (4) $3,500,000 for personnel compensation and benefits and $100,000 for travel in the Office of the Assistant Secretary for Public and Intergovernmental Affairs: Provided further, That during fiscal year 1996, notwithstanding any other provision of law, the number*

of individuals employed by the Department of Veterans Affairs (1) in other than ''career appointee'' positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: Provided further, That not to exceed $6,000,000 of the amount appropriated shall be available for administrative expenses to carry out the direct and guaranteed loan programs under the Loan Guaranty Program Account; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $136,155,000; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

Delete the matter proposed by said amendment and on page 16 of the House engrossed bill, H.R. 2099, delete the language on lines 9–18.

And the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: $4,500,000; and the Senate agreed to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

For assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437), not otherwise provided for, $10,155,795,000, to remain available until expended: Provided, That of the total amount provided under this head, $160,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): Provided further, That of the total amount provided under this head, $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to $20,000,000 for the inspection of public housing units, contract expertise, and training and technical assistance, directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public and Indian housing program: Provided further, That of the total amount provided under this head, $400,000,000 shall be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the Act, except that such amounts shall be used only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements, for the conversion of section 23 projects to assistance under section 8, for public housing agencies to implement allocation plans approved by the Secretary for designated housing, for funds to carry out the family unification program, and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: Provided further, That of the total amount provided under this head, $4,350,862,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, such amount shall be merged with all remaining obligated and unobligated balances heretofore appropriated under the heading ''Renewal of expiring section 8 subsidy contracts'': Provided further, That notwithstanding any other provision of law, assistance reserved under the two preceding provisos may be used in connection with any provision of Federal law enacted in this Act or after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: Provided further, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1996: Provided further, That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended; and $261,000,000 shall be for section 8 assistance and rehabilitation grants for property disposition: Provided further, That during fiscal year 1996, the Secretary of Housing and Urban Development may manage and dispose of multifamily properties owned by the Secretary, including the provision for grants from the General Insurance Fund (12 U.S.C. 1735c) for the necessary costs of rehabilitation and other related development costs, and multifamily mortgages held by the Secretary without regard to any other provision of law: Provided further, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: Provided further, That of the total amount provided under this head, $171,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; and $65,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: Provided further, That the Secretary may make up to $5,000,000 of any amount recaptured in this account available for the development of performance and financial systems.

Of the total amount provided under this head, $624,000,000, plus amounts recaptured from interest reduction payment contracts for section 236 projects whose owners prepay their mortgages during fiscal year 1996 (which amounts shall be transferred and merged with this account), shall be for use in conjunction with properties that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA): Provided, That prior to July 1, 1996, funding to carry out plans of action shall be limited to sales of projects to nonprofit organizations, tenant-sponsored organizations, and other priority purchasers: Provided further, That of the amount made available by this paragraph, up to $10,000,000 shall be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as amended: Provided further, That with respect to amounts made available by this paragraph, after July 1, 1996, if the Secretary determines that the demand for funding may exceed amounts available for such funding, the Secretary (1) may determine priorities for distributing available funds, including giving priority funding to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action; and (2) may impose a temporary moratorium on applications by potential recipients of such funding: Provided further, That an owner of eligible low-income housing may prepay the mortgage or request voluntary termination of a mortgage insurance contract, so long as said owner agrees not to raise rents for sixty days after such prepayment: Provided further, That an owner of eligible low-income housing who has not timely filed a second notice under section 216(d) prior to the effective date of this Act may file such notice by March 1, 1996: Provided further, That such developments have been determined to have preservation equity at least equal to the lesser of $5,000 per unit or $500,000 per project or the equivalent of eight times the most recently published fair market rent for the area in which the project is located as the appropriate unit size for all of the units in the eligible project: Provided further, That the Secretary may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236 of the National Housing Act, for the purpose of preserving the low and moderate income character of the housing: Provided further, That the Secretary may give priority to funding and processing the following projects provided that the funding is obligated not later than August 1, 1996: (1) projects with approved plans of action to retain the housing that file a modified plan of action no later than July 1, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a federal disaster area in a Presidential Disaster Declaration; and (4) projects whose processing was, in fact or in practical effect, suspended, deferred, or interrupted for a period of twelve months or more because of differing interpretations, by the Secretary and an owner or by the Secretary and a state or local rent regulatory agency, concerning the timing of filing eligibility or the effect of a presumptively applicable state or local rent control law or regulation on the determination of preservation value under section 213 of LIHPRHA, as amended, if the owner of such project filed notice of intent to extend the low-income affordability restrictions of the housing, or transfer to a qualified purchaser who would extend such restrictions, on or before November 1, 1993: Provided further, That eligible low-income housing shall include properties meeting the requirements of this paragraph with mortgages that are held by a State agency as a result of a sale by the Secretary without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA: Provided further, That notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment or voluntary termination, and whose rent, as a result of a rent increase occurring no later than one year after the date of the prepayment, exceeds 30 percent

of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay no less for rent than it paid on such date: Provided further, That any family receiving tenant-based assistance under the preceding proviso may elect (1) to remain in the unit of the housing and if the rent exceeds the fair market rent or payment standard, as applicable, the rent shall be deemed to be the applicable standard, so long as the administering public housing agency finds that the rent is reasonable in comparison with rents charged for comparable unassisted housing units in the market or (2) to move from the housing and the rent will be subject to the fair market rent of the payment standard, as applicable, under existing program rules and procedures: Provided further, That up to $10,000,000 of the amount made available by this paragraph may be used at the discretion of the Secretary to reimburse owners of eligible properties for which plans of action were submitted prior to the effective date of this Act, but were not executed for lack of available funds, with such reimbursement available only for documented costs directly applicable to the preparation of the plan of action as determined by the Secretary, and shall be made available on terms and conditions to be established by the Secretary: Provided further, That, notwithstanding any other provision of law, effective October 1, 1996, the Secretary shall suspend further processing of preservation applications which do not have approved plans of action.

Of the total amount provided under this head, $780,190,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and $233,168,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: Provided, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of the Cranston-Gonzalez National Affordable Housing Act for tenant-based assistance, as authorized under that section, which assistance is five-years in duration: Provided further, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

For grants to public housing agencies for the purposes of enabling the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937 for the purpose of providing replacement housing and assisting tenants to be displaced by the demolition, $280,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall award such funds to public housing agencies by a competition which includes among other relevant criteria the local and national impact of the proposed demolition and revitalization activities and the extent to which the public housing agency could undertake such activities without the additional assistance to be provided hereunder: Provided further, That eligible expenditures hereunder shall be those expenditures eligible under section 8 and section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437f and l): Provided further, That the Secretary may impose such conditions and requirements as the Secretary deems appropriate to effectuate the purposes of this paragraph: Provided further, That the Secretary may require an agency selected to receive funding to make arrangements satisfactory to the Secretary for use of an entity other than the agency to carry out this program where the Secretary determines that such action will help to effectuate the purpose of this paragraph: Provided further, That in the event an agency selected to receive funding does not proceed expeditiously as determined by the Secretary, the Secretary shall withdraw any funding made available pursuant to this paragraph that has not been obligated by the agency and distribute such funds to one or more other eligible agencies, or to other entities capable of proceeding expeditiously in the same locality with the original program: Provided further, That of the foregoing $280,000,000, the Secretary may use up to .67 per centum for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: Provided further, That any replacement housing provided with assistance under this head shall be subject to section 18(f) of the United States Housing Act of 1937, as amended by section 201(b)(2) of this Act

And the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which $2,500,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector General of the Department of Housing and Urban Development: Provided, That the term ''drug-related crime'', as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary.

And the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$823,000,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$50,000,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $53,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: Provided, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: Provided further, That the supportive services shall include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: Provided further, That the Secretary shall require applicants to demonstrate firm commitments of funding or services from other sources: Provided further, That the Secretary shall select public and Indian housing agencies to receive assistance under this head on a competitive basis, taking into account the quality of the proposed program (including any innovative approaches), the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount made available under this heading, notwithstanding any other provision of law, $12,000,000 shall be available for contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners both current and prospective, with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, notwithstanding section 106(c)(9) and section 106(d)(13) of such Act.

Of the amount made available under this heading, notwithstanding any other provision of law, $15,000,000 shall be available for the tenant opportunity program.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for youth build program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such

activities shall be an eligible activity with respect to any funds made available under this heading.

And the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$31,750,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

$1,500,000,000: Provided further, That the Secretary of Housing and Urban Development may make guarantees not to exceed the immediately foregoing amount notwithstanding the aggregate limitation on guarantees set forth in section 108(k) of the Housing and Community Development Act of 1974; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended by the Housing and Community Development Act of 1992, $30,000,000, to remain available until September 30, 1997.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$962,558,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$47,850,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House receded from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert:

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of modifying such loans; $85,000,000, to remain available until expended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 201. EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT.

(a) PUBLIC AND INDIAN HOUSING MODERNIZATION.—

(1) Expansion of use of modernization funding.—Subsection 14(q) of the United States Housing Act of 1937 is amended to read as follows:

''(q)(1) In addition to the purposes enumerated in subsections (a) and (b), a public housing agency may use modernization assistance provided under section 14, and development assistance provided under section 5(a) that was not allocated, as determined by the secretary, for priority replacement housing, for any eligible activity authorized by this section, by section 5, or by applicable Appropriations Acts for a public housing agency, including the demolition, rehabilitation, revitalization, and replacement of existing units and projects and, for up to 10 percent of its allocation of such funds in any fiscal year, for any operating subsidy purpose authorized in section 9. Except for assistance used for operating subsidy purposes under the preceding sentence, assistance provided to a public housing agency under this section shall principally be used for the physical improvement or replacement of public housing and for associated management improvements, except as otherwise approved by the Secretary. Public housing units assisted under this paragraph shall be eligible for operating subsidies, unless the Secretary determines that such units or projects have not received sufficient assistance under this Act or do not meet other requirements of this Act.

''(2) A public housing agency may provide assistance to developments that include units for other than very low-income families ('mixed income developments'), in the form of a grant, loan, operating assistance, or other form of investment which may be made to—

(A) a partnership, a limited liability company, or other legal entity in which the public housing agency or its affiliate is a general partner managing member, or otherwise participates in the activities of such entity; or

(B) any entity which grants to the public housing agency the option to purchase the development within 20 years after initial occupancy in accordance with section 42(i)(7) of the Internal Revenue Code of 1986, as amended. Units shall be made available in such developments for periods of not less than 20 years, by master contract or by individual lease, for occupancy by low-income families referred from time to time by the public housing agency. The number of such units shall be:

(i) in the same proportion to the total number of units in such development that the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the development, or

(ii) not be less than the number of units that could have been developed under the convention public housing program with the assistance involved, or

(iii) as may otherwise be approved by the Secretary.

''(3) A mixed income development may elect to have all units subject only to the applicable local real estate taxes, notwithstanding that the low-income units assisted by public housing funds would otherwise be subject to section 6(d) of the Housing Act of 1937.

''(4) If an entity that owns or operates a mixed-income project under this subsection enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units, to the maximum extent practicable.''.

(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937. As amended by subsection (a) of this section, shall be effective only with respect to assistance provided from funds made available for fiscal year 1996 or any preceding fiscal year.

(3) APPLICABILITY TO IHAS.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) ONE-FOR-ONE REPLACEMENT OF PUBLIC AND INDIAN HOUSING.—

(1) EXTENDED AUTHORITY.—Section 1002(d) of Public Law 104–19 is amended to read as follows:

''(d) Subsections (a), (b), and (c) shall be effective for applications for the demolition, disposition, or conversion of homeownership of public housing approved by the Secretary, and other consolidation and relocation activities of public housing agencies undertaken, on, before, or after September 30, 1995 and before September 30, 1996.''.

(2) Section 18(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence:

''No one may rely on the preceding sentence as the basis for reconsidering a final order of a court issued, or a settlement approved by, a court.''.

(3) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subsection and by sections 1002 (a), (b), and (c) of Public Law 104–19 shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

SEC. 202. PUBLIC AND ASSISTED HOUSING RENTS, INCOME ADJUSTMENTS, AND PREFERENCES.

(a) MINIMUM RENTS.—Notwithstanding sections 3(a) and 8(o)(2) of the United States Housing Act of 1937, as amended, effective for fiscal year 1996 and no later than October 30, 1995—

(1) public housing agencies shall require each family who is assisted under the certificate or moderate rehabilitation program under section 8 of such Act to pay a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50;

(2) public housing agencies shall reduce the monthly assistance payment on behalf of each family who is assisted under the voucher program under section 8 of such Act so that the family pays a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50;

(3) with respect to housing assisted under other programs for rental assistance under section 8 of such Act, the Secretary shall require each family who is assisted under such program to pay a minimum monthly rent of not less than $25 for the unit, and may require a minimum monthly rent of up to $50; and

(4) public housing agencies shall require each family who is assisted under the public housing program (including public housing for Indian families) of such Act to pay a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50.

(b) ESTABLISHMENT OF CEILING RENTS.—

(1) Section 3(a)(2) of the United States Housing Act of 1937 is amended to read as follows:

''(2) Notwithstanding paragraph (1), a public housing agency may—

''(A) adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than the monthly costs—

''(i) to operate the housing of the agency; and

''(ii) to make a deposit to a replacement reserve (in the sole discretion of the public housing agency); and

''(B) allow families to pay ceiling rents referred to in subparagraph (A), unless, with respect to any family, the ceiling rent established under this paragraph would exceed the amount payable as rent by that family under paragraph (1).''.

(2) Regulations.—

(A) IN GENERAL.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by paragraph (1).

(B) TRANSITION RULE.—Prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents, which shall be not less than the monthly costs to operate the housing of the agency and—

(i) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937, as that section existed on the day before enactment of this Act;

(ii) equal to the 95th percentile of the rent paid for a unit of comparable size by tenants in the same public housing project or a group of comparable projects totaling 50 units or more; or

(iii) equal to the fair market rent for the area in which the unit is located.

(c) DEFINITION OF ADJUSTED INCOME.—Section 3(b)(5) of the United States Housing Act of 1937 is amended—

(1) at the end of subparagraph (F), by striking ''and'';

(2) at the end of subparagraph (G), by striking the period and inserting ''; and''; and

(3) by inserting after subparagraph (G) the following:

''(H) for public housing, any other adjustments to earned income established by the public housing agency. If a public housing agency adopts other adjustments to income pursuant to subparagraph (H), the Secretary shall not take into account any reduction of or increase in the public housing agency's per unit dwelling rental income resulting from those adjustments when calculating the contributions under section 9 for the public housing agency for the operation of the public housing.''.

(d) REPEAL OF FEDERAL PREFERENCES.—

(1) PUBLIC HOUSING.—Section 6(c)(4)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)(4)(A)) is amended to read as follows:

''(A) the establishment, after public notice and an opportunity for public comment, of a written system of preferences for admission to public housing, if any, that is not inconsistent with the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act;''.

(2) SECTION 8 EXISTING AND MODERATE REHABILITATION.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

''(A) the selection of tenants shall be the function of the owner, subject to the provisions of the annual contributions contract between the Secretary and the agency, except that for the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish, after public notice and an opportunity for public comment, a written system of preferences for selection that is not inconsistent with the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act;''.

(3) SECTION 8 VOUCHER PROGRAM.—Section 8(o)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(3)(B)) is amended to read as follows:

''(B) For the purpose of selecting families to be assisted under this subsection, the public housing agency may establish, after public notice and an opportunity for public comment, a written system of preferences for selection that is not inconsistent with the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act.''.

(4) SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION.—

(A) REPEAL.—Section 545(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended to read as follows:

''(c) [Reserved.]''.

(B) PROHIBITION.—Notwithstanding any other provision of law, no Federal tenant selection preferences under the United States Housing Act of 1937 shall apply with respect to—

(i) housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937 (as such section existed on the day before October 1, 1983); or

(ii) projects financed under section 202 of the Housing Act of 1959 (as such section existed on the day before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act).

(5) RENT SUPPLEMENTS.—Section 101(k) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(k)) is amended to read as follows:

''(k) [Reserved.]''.

(6) CONFORMING AMENDMENTS.—

(A) UNITED STATES HOUSING ACT OF 1937.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(i) in section 6(o), by striking ''preference rules specified in'' and inserting ''written system of preferences for selection established pursuant to'';

(ii) in the second sentence of section 7(a)(2), by striking ''according to the preferences for occupancy under'' and inserting ''in accordance with the written system of preferences for selection established pursuant to'';

(iii) in section 8(d)(2)(A), by striking the last sentence;

(iv) in section 8(d)(2)(H), by striking ''Notwithstanding subsection (d)(1)(A)(i), an'' and inserting ''An'';

(v) in section 16(c), in the second sentence, by striking ''the system of preferences established by the agency pursuant to section 6(c)(4)(A)(ii)'' and inserting ''the written system of preferences for selection established by the public housing agency pursuant to section 6(c)(4)(A)''; and

(vi) in section 24(e)—

(I) by striking ''(e) EXCEPTIONS'' and all that follows through ''The Secretary may'' and inserting the following:

''(e) EXCEPTION TO GENERAL PROGRAM REQUIREMENTS.—The Secretary may''; and

(II) by striking paragraph (2).

(B) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Section 522(f)(6)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended by striking ''any preferences for such assistance under section 8(d)(1)(A)(i)'' and inserting ''the written system of preferences for selection established pursuant to section 8(d)(1)(A)''.

(C) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking ''the preferences'' and all that follows up to the period at the end and inserting ''any preferences''.

(D) REFERENCES IN OTHER LAW.—Any reference in any Federal law other than any provision of any law amended by paragraphs (1) through (5) of this subsection to the preferences for assistance under section 6(c)(4)(A)(i), 8(d)(1)(A)(i), or 8(o)(3)(B) of the United States Housing Act of 1937 (as such sections existed on the day before the date of enactment of this Act) shall be considered to refer to the written system of preferences for selection established pursuant to section 6(c)(4)(A), 8(d)(1)(A), or 8(o)(3)(B), respectively, of the United States Housing Act of 1937, as amended by this section.

(e) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by subsections (a), (b), (c), (d), and (f) of this section shall also apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(f) This section shall be effective upon the enactment of this Act and only for fiscal year 1996.

SEC. 203. CONVERSION OF CERTAIN PUBLIC HOUSING TO VOUCHERS.

(a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify any public housing developments—

(1) that are on the same or contiguous sites;

(2) that total more than—

(A) 300 dwelling units; or

(B) in the case of high-rise family buildings or substantially vacant buildings, 300 dwelling units;

(3) that have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(4) identified as distressed housing that the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(5) for which the estimated cost of continued operation and modernization of the developments as public housing exceeds the cost of providing tenant-based assistance under section 8 of the United States Housing Act of 1937 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development cost required for modernization).

(b) IMPLEMENTATION AND ENFORCEMENT.—

(1) STANDARDS FOR IMPLEMENTATION.—The Secretary shall establish standards to permit implementation of this section in fiscal year 1996.

(2) CONSULTATION.—Each public housing agency shall consult with the applicable public housing tenants and the unit of general local government in identifying any public housing developments under subsection (a).

(3) FAILURE OF PHAS TO COMPLY WITH SUBSECTION (A).—Where the Secretary determines that—

(A) a public housing agency has failed under subsection (a) to identify public housing developments for removal from the inventory of the agency in a timely manner;

(B) a public housing agency has failed to identify one or more public housing developments which the Secretary determines should have been identified under subsection (a); or

(C) one or more of the developments identified by the public housing agency pursuant to subsection (a) should not, in the determination of the Secretary, have been identified under that subsection;

the Secretary may designate the developments to be removed from the inventory of the public housing agency pursuant to this section.

(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

(1) Each public housing agency shall develop and carry out a plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) or subsection (b)(3), over a period of up to five years, from the inventory of the public housing agency and the annual contributions contract. The plan shall be approved by the relevant local official as not inconsistent with the Comprehensive Housing Affordability Strategy under title I of the Housing and Community Development Act of 1992, including a description of any disposition and demolition plan for the public housing units.

(2) The Secretary may extend the deadline in paragraph (1) for up to an additional five years where the Secretary makes a determination that the deadline is impracticable.

(3) The Secretary shall take appropriate actions to ensure removal of developments identified under subsection (a) or subsection (b)(3)

from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under paragraph (1), or fails to adequately implement such plan in accordance with the terms of the plan.

(4) To the extent approved in appropriations Acts, the Secretary may establish requirements and provide funding under the Urban Revitalization Demonstration program for demolition and disposition of public housing under this section.

(5) Notwithstanding any other provision of law, if a development is removed from the inventory of a public housing agency and the annual contributions contract pursuant to paragraph (1), the Secretary may authorize or direct the transfer of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such development pursuant to section 14 of the United States Housing Act of 1937;

(B) in the case of an agency receiving public and Indian housing modernization assistance by formula pursuant to section 14 of the United States Housing Act of 1937, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to the development removed from the inventory of that agency; and

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of the development pursuant to section 5 of such Act,

to the tenant-based assistance program or appropriate site revitalization of such agency.

(6) Cessation of unnecessary spending.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a development meets or is likely to meet the criteria set forth in subsection (a), the Secretary may direct the public housing agency to cease additional spending in connection with the development, except to the extent that additional spending is necessary to ensure decent, safe, and sanitary housing until the Secretary determines or approves an appropriate course of action with respect to such development under this section.

(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

(1) The Secretary shall make authority available to a public housing agency to provide tenant-based assistance pursuant to section 8 to families residing in any development that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to subsection (b).

(2) Each conversion plan under subsection (c) shall—

(A) require the agency to notify families residing in the development, consistent with any guidelines issued by the Secretary governing such notifications, that the development shall be removed from the inventory of the public housing agency and the families shall receive tenant-based or project-based assistance, and to provide any necessary counseling for families; and

(B) ensure that all tenants affected by a determination under this section that a development shall be removed from the inventory of a public housing agency shall be offered tenant-based or project-based assistance and shall be relocated, as necessary, to other decent, safe, sanitary, and affordable housing which is, to the maximum extent practicable, housing of their choice.

(e) IN GENERAL.—

(1) The Secretary may require a public housing agency to provide such information as the Secretary considers necessary for the administration of this section.

(2) As used in this section, the term ''development'' shall refer to a project or projects, or to portions of a project or projects, as appropriate.

(3) Section 18 of the United States Housing Act of 1937 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.

SEC. 204. STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE.

(a) ''TAKE-ONE, TAKE-ALL''.—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after ''section'' the following: ''(other than a contract for assistance under the certificate or voucher program)''; and

(2) in the first sentence of paragraph (9), by striking ''(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))'' and inserting '', other than a contract under the certificate or voucher program''.

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting ''during the term of the lease,'' after ''(ii)''; and

(2) in clause (iii), by striking ''provide that'' and inserting ''during the term of the lease,''.

(d) APPLICABILITY.—The provisions of this section shall be effective for fiscal year 1996 only.

Sec. 205. SECTION 8 FAIR MARKET RENTALS, ADMINISTRATIVE FEES, AND DELAY IN REISSUANCE.

(a) FAIR MARKET RENTALS.—The Secretary shall establish fair market rentals for purposes of section 8(c)(1) of the United States Housing Act of 1937, as amended, that shall be effective for fiscal year 1996 and shall be based on the 40th percentile rent of rental distributions of standard quality rental housing units. In establishing such fair market rentals, the Secretary shall consider only the rents for dwelling units occupied by recent movers and may not consider the rents for public housing dwelling units or newly constructed rental dwelling units.

(b) ADMINISTRATIVE FEES.—Notwithstanding sections 8(q)(1) and (4) of the United States Housing Act of 1937, for fiscal year 1996, the fee for each month for which a dwelling unit is covered by an assistance contract under the certificate, voucher, or moderate rehabilitation program under section 8 of such Act shall be equal to the monthly fee payable for fiscal year 1995: Provided, That this subsection shall be applicable to all amounts made available for such fees during fiscal year 1996, as if in effect on October 1, 1995.

(c) DELAY REISSUANCE OF VOUCHERS AND CERTIFICATES.—Notwithstanding any other provision of law, a public housing agency administering certificate or voucher assistance provided under subsection (b) or (o) of section 8 of the United States Housing Act of 1937, as amended, shall delay for 3 months, the use of any amounts of such assistance (or the certificate or voucher representing assistance amounts) made available by the termination during fiscal year 1996 of such assistance on behalf of any family for any reason, but not later than October 1, 1996; with the exception of any certificates assigned or committed to project based assistance as permitted otherwise by the Act, accomplished prior to the effective date of this Act.

SEC. 206. PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION.

(a) PURPOSE.—The purpose of this demonstration is to give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures; give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1996 under which up to 30 public housing agencies (including Indian housing authorities) administering the public or Indian housing program and the section 8 housing assistance payments program, administering a total number of public housing units not in excess of 25,000, may be selected by the Secretary to participate. The Secretary shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 15 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration. Under the demonstration, notwithstanding any provision of the United States Housing Act of 1937 except as provided in subsection (e), an agency may combine operating assistance provided under section 9 of the United States Housing Act of 1937, modernization assistance provided under section 14 of such Act, and assistance provided under section 8 of such Act for the certificate and voucher programs, to provide housing assistance for low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance under sections 8, 9, and 14 of the United States Housing Act of 1937;

(2) shall be submitted only after the public housing agency provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the agency that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) families to be assisted, which shall require that at least 75 percent of the families assisted by participating demonstration public housing authorities shall be very low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and at least 50 percent of the families selected shall have incomes that do not exceed 30 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family income;

(B) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent;

(C) continuing to assist substantially the same total number of eligible low-income families as would have been served had the amounts not been combined;

(D) maintaining a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration; and

(E) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION.—In selecting among applications, the Secretary shall take into account the potential of each agency to plan and carry out

a program under the demonstration, the relative performance by an agency under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937, and other appropriate factors as determined by the Secretary.

(e) APPLICABILITY OF 1937 ACT PROVISIONS.—

(1) Section 18 of the United States Housing Act of 1937 shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 12 of such Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON SECTION 8, OPERATING SUBSIDIES, AND COMPREHENSIVE GRANT PROGRAM ALLOCATIONS.—The amount of assistance received under section 8, section 9, or pursuant to section 14 by a public housing agency participating in the demonstration under this part shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each agency shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination of any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH PHA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of public housing agencies and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

(i) FUNDING FOR TECHNICAL ASSISTANCE AND EVALUATION.—From amounts appropriated for assistance under section 14 of the United States Housing Act of 1937 for fiscal years 1996, 1997, and 1998, the Secretary may use up to a total of $5,000,000—

(1) to provide, directly or by contract, training and technical assistance—

(A) to public housing agencies that express an interest to apply for training and technical assistance pursuant to subsection (c)(4), to assist them in designing programs to be proposed for the demonstration; and

(B) to up to 10 agencies selected to receive training and technical assistance pursuant to subsection (c)(4), to assist them in implementing the approved program; and

(2) to conduct detailed evaluations of the activities of the public housing agencies under paragraph (1)(B), directly or by contract.

SEC. 207. REPEAL OF PROVISIONS REGARDING INCOME DISREGARDS.

(a) MAXIMUM ANNUAL LIMITATION ON RENT INCREASES RESULTING FROM EMPLOYMENT.—Section 957 of the Cranston-Gonzalez National Affordable Housing Act is hereby repealed, retroactive to November 28, 1990, and shall be of no effect.

(b) ECONOMIC INDEPENDENCE.—Section 923 of the Housing and Community Development Act of 1992 is hereby repealed, retroactive to October 28, 1992, and shall be of no effect.

SEC. 208. EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAMS.

(a) The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking ''on not more than 15,000 units over fiscal years 1993 and 1994'' and inserting ''on not more than 7,500 units during fiscal year 1996''.

(b) The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking ''on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995'' and inserting ''on not more than 10,000 units during fiscal year 1996''.

SEC. 209. FORECLOSURE OF HUD-HELD MORTGAGES THROUGH THIRD PARTIES.

During fiscal year 1996, the Secretary of Housing and Urban Development may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

SEC. 210. RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES.

During fiscal year 1996, the Secretary of Housing and Urban Development may sell or otherwise transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992 without regard to the unit limitations in section 542(b)(5) or 542(c)(4) of such Act.

SEC. 211. TRANSFER OF SECTION 8 AUTHORITY.

(a) Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end:

''(bb) TRANSFER OF BUDGET AUTHORITY.—If an assistance contract under this section, other than a contract for tenant-based assistance, is terminated or is not renewed, or if the contract expires, the Secretary shall, in order to provide continued assistance to eligible families, including eligible families receiving the benefit of the project-based assistance at the time of the termination, transfer any budget authority remaining in the contract to another contract. The transfer shall be under such terms as the Secretary may prescribe.''.

SEC. 212. DOCUMENTATION OF MULTIFAMILY REFINANCING.

Notwithstanding the 16th paragraph under the item relating to ''administrative provisions'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327; 108 Stat. 2316), the amendments to section 223(a)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal year 1996 and thereafter.

SEC. 213. FHA MULTIFAMILY DEMONSTRATION AUTHORITY.

(a) On and after October 1, 1995, and before October 1, 1997, the Secretary of Housing and Urban Development shall initiate a demonstration program with respect to multifamily projects whose owners agree to participate and whose mortgages are insured under the National Housing Act and that are assisted under section 8 of the United States Housing Act of 1937 and whose present section 8 rents are, in the aggregate, in excess of the fair market rent of the locality in which the project is located. These programs shall be designed to test the feasibility and desirability of the goal of ensuring, to the maximum extent practicable, that the debt service and operating expenses, including adequate reserves, attributable to such multifamily projects can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents and utilizing project-based assistance or, with the consent of the property owner, tenant based assistance, while taking into account the need for assistance of low and very low income families in such projects. In carrying out this demonstration, the Secretary may use arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(1) GOALS.—The Secretary of Housing and Urban Development shall carry out the demonstration programs under this section in a manner that—

(A) will protect the financial interests of the Federal Government;

(B) will result in significant discretionary cost savings through debt restructuring and subsidy reduction; and

(C) will, in the least costly fashion, address the goals of—

(i) maintaining existing housing stock in a decent, safe, and sanitary condition;

(ii) minimizing the involuntary displacement of tenants;

(iii) restructuring the mortgages of such projects in a manner that is consistent with local housing market conditions;

(iv) supporting fair housing strategies;

(v) minimizing any adverse income tax impact on property owners; and

(vi) minimizing any adverse impact on residential neighborhoods.

In determining the manner in which a mortgage is to be restructured or the subsidy reduced, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

(2) DEMONSTRATION APPROACHES.—In carrying out the demonstration programs, subject to the appropriation in subsection (f), the Secretary may use one or more of the following approaches:

(A) Joint venture arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(B) Subsidization of the debt service of the project to a level that can be paid by an owner receiving an unsubsidized market rent.

(C) Renewal of existing project-based assistance contracts where the Secretary shall approve proposed initial rent levels that do not exceed the greater of 120 percent of fair market rents or comparable market rents for the relevant metropolitan market area or at rent levels under a budget-based approach.

(D) Nonrenewal of expiring existing project-based assistance contracts and providing tenant-based assistance to previously assisted households.

(b) For purposes of carrying out demonstration programs under subsection (a)—

(1) the Secretary may manage and dispose of multifamily properties owned by the Secretary as of October 1, 1995 and multifamily mortgages held by the Secretary as of October 1, 1995 for properties assisted under section 8 with rents above 110 percent of fair market rents without regard to any other provision of law; and

(2) the Secretary may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

(c) For purposes of carrying out demonstration programs under subsection (a), subject to such third party consents (if any) as are necessary including but not limited to (i) consent by the Government National Mortgage Association where it owns a mortgage insured by the Secretary; (ii) consent by an issuer under the mortgage-backed securities program of the Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and (iii) parties to any contractual agreement which the Secretary proposes to modify or discontinue, and subject to the appropriation in subsection (c), the Secretary or one or more third parties designated by the Secretary may take the following actions:

(1) Notwithstanding any other provision of law, and subject to the agreement of the project owner, the Secretary or third party may remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required by the Secretary, including restrictions on distributions of income which the Secretary or third party determines would interfere with the ability of the project to operate without above market rents. The Secretary or third party may require an owner of a property assisted under the section 8 new construction/substantial rehabilitation program to apply any accumulated residual receipts toward effecting the purposes of this section.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into contracts to purchase reinsurance, or enter into participations or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance to third parties, on such terms and conditions as the Secretary may determine.

(3) The Secretary may offer project-based assistance with rents at or below fair market rents for the locality in which the project is located and may negotiate such other terms as are acceptable to the Secretary and the project owner.

(4) The Secretary may offer to pay all or a portion of the project's debt service, including payments monthly from the appropriate Insurance Fund, for the full remaining term of the insured mortgage.

(5) Notwithstanding any other provision of law, the Secretary may forgive and cancel any FHA-insured mortgage debt that a demonstration program property cannot carry at market rents while bearing full operating costs.

(6) For demonstration program properties that cannot carry full operating costs (excluding debt service) at market rents, the Secretary may approve project-based rents sufficient to carry such full operating costs and may offer to pay the full debt service in the manner provided in paragraph (4).

(d) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(e) LIMITATION ON DEMONSTRATION AUTHORITY.—The Secretary may carry out demonstration programs under this section with respect to mortgages not to exceed 15,000 units. The demonstration authorized under this section shall not be expanded until the reports required under subsection (f) are submitted to the Congress.

(f) APPROPRIATION.—For the cost of modifying loans held or guaranteed by the Federal Housing Administration, as authorized by this subsection (a)(2) and subsection (c), $30,000,000, to remain available until September 30, 1997: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

(g) REPORT TO CONGRESS.—The Secretary shall submit to the Congress every six months after the date of enactment of this Act a report describing and assessing the programs carried out under the demonstrations. The Secretary shall also submit a final report to the Congress not later than six months after the end of the demonstrations. The reports shall include findings and recommendations for any legislative action appropriate. The reports shall also include a description of the status of each multifamily housing project selected for the demonstrations under this section. The final report may include—

(1) the size of the projects;

(2) the geographic locations of the projects, by State and region;

(3) the physical and financial condition of the projects;

(4) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;

(5) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the transfer or sale of mulifamily housing projects;

(6) a description of the extent to which the demonstrations under this section have displaced tenants of multifamily housings projects;

(7) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to States;

(8) a description of the impact to which the demonstrations under this section have affected the localities and communities where the selected multifamily housing projects are located; and

(9) a description of the extent to which the demonstrations under this section have affected the owners of multifamily housing projects.

SEC. 214. SECTION 8 CONTRACT RENEWALS.

(a) For fiscal year 1996 and henceforth, the Secretary of Housing and Urban Development may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon termination or expiration of a contract for assistance under section 8 of such Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance), to provide assistance under section 8 of such Act, subject to the Section 8 Existing Fair Market Rents, for the eligible families assisted under the contracts at expiration or temination, which assistance shall be in accordance with terms and conditions prescribed by the Secretary.

(b) Notwithstanding subsection (a) and except for projects assisted under section 8(e)(2) of the United States Housing Act of 1937 (as it existed immediately prior to October 1, 1991), at the request of the owner, the Secretary shall renew for a period of one year contracts for assistance under section 8 that expire or terminate during fiscal year 1996 at the current rent levels.

(c) Section 8(v) of the United States Housing Act of 1937 is amended to read as follows:

''The Secretary may extend expiring contracts entered into under this section for project-based loan management assistance to the extent necessary to prevent displacement of low-income families receiving such assistance as of September 30, 1996.''.

(d) Section 236(f) of the National Housing Act (12 U.S.C. 1715z-l(f)) is amended:

(1) by striking the second sentence in paragraph (1) and inserting in lieu thereof the following: ''The rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the lower of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the fair market rental established under section 8(v) of the United States Housing Act of 1937 for the market area in which the housing is located, as represents 30 per centum of the tenant's adjusted income.''; and

(2) by striking paragraph (6).''.

SEC. 215. EXTENSION OF HOME EQUITY CONVERSION MORTGAGE PROGRAM.

Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended—

(1) in the first sentence, by striking ''September 30, 1995'' and inserting ''September 30, 1996''; and

(2) in the second sentence, by striking ''25,000'' and inserting ''30,000''.

SEC. 216. ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT.

Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1st and April 1st.''.

SEC. 217. MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING.

All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

SEC. 218. DEBT FORGIVENESS.

(a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL–TEX–215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX–41–PFL0162, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(c) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hepzibah Public Service District of Hepzibah, West Virginia, relating to the public facilities loan for Project Number WV–46–PFL0031, issued under title II of the Housing Amendments of 1955. Such public service district is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

SEC. 219. CLARIFICATIONS.

For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the ''continuum of care'' requirements of the Department of Housing and Urban Development, and shall be treated as:

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the

transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302), as in effect on December 19, 1989) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on November 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

SEC. 220. EMPLOYMENT LIMITATIONS.

(a) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than seven Assistant Secretaries, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(b) By the end of fiscal year 1996 the Department of Housing and urban Development shall employ no more than 77 schedule C and 20 noncareer senior executive service employees.

SEC. 221. USE OF FUNDS.

(a) Of the $93,400,000 earmarked in Public Law 101–144 (103 Stat 850), as amended by Public Law 101–302 (104 Stat 237), for special projects and purposes, any amounts remaining of the $500,000 made available to Bethlehem House in Highland, California, for site planning and land acquisition shall instead be made available to the County of San Bernardino in California to assist with the expansion of the Los Padrinos Gang Intervention Program and the Unity Home Domestic Violence Shelter.

(b) The amount made available for fiscal year 1995 for the removal of asbestos from an abandoned public school building in Toledo, Ohio shall be made available for the renovation and rehabilitation of an industrial building at the University of Toledo in Toledo, Ohio.

SEC. 222. LEAD-BASED PAINT ABATEMENT.

(a) Section 1011 of Title X—Residential lead-Based Paint Hazard Reduction Act of 1992 is amended as follows: Strike ''priority housing'' wherever it appears in said section and insert ''housing''.

(b) Section 1011(a) shall be amended as follows: At the end of the subsection after the period, insert:

''Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

''(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for no less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years—

''(A) except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

''(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with incomes at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under age of six years or shall be units where a child under the age to six years spends a significant amount of time visiting; and

''(3) notwithstanding paragraphs (1) and (2), round II grantees who receive assistance under this section may use such assistance for priority housing.''.

SEC. 223. EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS WITH PHAS.

Section 9(a)(3)(B)(i) of the United States Housing Act of 1937 is amended by striking ''for a period not to exceed 6 years''.

SEC. 223A. MORTGAGE NOTE SALES.

The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by striking ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

SEC. 223B. REPEAL OF FROST-LELAND.

Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213) is repealed.

SEC. 223C. FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM.

(a) FORECLOSURE AVOIDANCE.—The last sentence of section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) is amended by inserting before the period the following: '': And provided further, That the Secretary may pay insurance benefits to the mortgagee to recompense the mortgagee for its actions to provide an alternative to the foreclosure of a mortgage that is in default, which actions may include special foreclosure, loan modification, and deeds in lieu of foreclosure, all upon terms and conditions as the mortgagee shall determine in the mortgagee's sole discretion, within guidelines provided by the Secretary, but which may not include assignment of a mortgage to the Secretary: And provided further, That for purposes of the preceding proviso, no action authorized by the Secretary and no action taken, nor any failure to act, by the Secretary or the mortgagee shall be subject to judicial review.''.

(b) AUTHORITY TO ASSIST MORTGAGORS IN DEFAULT.—Section 230 of the National Housing Act (12 U.S.C. 1715u) is amended to read as follows:

''AUTHORITY TO ASSIST MORTGAGOR IN DEFAULT

''SEC. 230. (a) PAYMENT OF PARTIAL CLAIM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default. Any such payment under such program to the mortgage shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

''(1) the amount of the payment shall be in an amount determined by the Secretary, not to exceed an amount equivalent to 12 of the monthly mortgage payments and any costs related to the default that are approved by the Secretary; and

''(2) the mortgagor shall agree to repay the amount of the insurance claim to the Secretary upon terms and conditions acceptable to the Secretary.

The Secretary may pay the mortgagee, from the appropriate insurance fund, in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.

''(b) ASSIGNMENT.—

''(1) PROGRAM AUTHORITY.—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence insured under this Act.

''(2) PROGRAM REQUIREMENTS.—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

''(A) the mortgage was in default;

''(B) the mortgagee has modified the mortgage to cure the default and provide for mortgage payments within the reasonable ability of the mortgagor to pay, at interest rates not to exceed current market interest rates; and

''(C) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate insurance fund.

''(3) PAYMENT OF INSURANCE BENEFITS.—Upon accepting assignment of a mortgage under a program established under this subsection, the Secretary may pay insurance benefits to the mortgagee from the appropriate insurance fund, in an amount that the Secretary determines to be appropriate, not to exceed the amount necessary to compensate the mortgagee for the assignment and any losses and expenses resulting from the mortgage modification.

''(c) PROHIBITION OF JUDICIAL REVIEW.—No decision by the Secretary to exercise or forgo exercising any authority under this section shall be subject to judicial review.''.

(c) SAVINGS PROVISION.—Any mortgage for which the mortgagee has applied to the Secretary, before the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, for assignment pursuant to subsection (b) of this section as in effect before such date of enactment shall continue to be governed by the provisions of such section, as in effect immediately before such date of enactment.

(d) APPLICABILITY OF OTHER LAWS.—No provision of this Act, or any other law, shall be construed to require the Secretary of Housing and Urban Development to provide an alternative to foreclosure for mortgagees with mortgages on 1- to 4-family residences insured by the Secretary under the National Housing Act, or to accept assignments of such mortgages.

(e) APPLICABILITY OF AMENDMENTS.—Except as provided in subsection (d), the amendments made by subsections (a) and (b) shall apply with respect to mortgages originated before fiscal year 1996.

(f) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue interim regulations to implement this section and amendments made by this section.

(g) EFFECTIVENESS AND APPLICABILITY.—If this Act is enacted after the date of enactment of the Balanced Budget Act of 1995—

(1) subsections (a), (b), (c), (d), and (e) of this section shall not take effect; and

(2) section 2052(c) of the Balanced Budget Act of 1995 is amended by striking ''that are originated on or after October 1, 1995'' and inserting in lieu thereof ''to mortgages originated before, during, and after fiscal year 1996.''.

SEC. 223D. SPENDING LIMITATIONS.

(a) None of the funds in this Act may be used by the Secretary to impose any sanction, or penalty because of the enactment of any State or local law or regulation declaring English as the official language.

(b) No part of any appropriation contained in this Act shall be used for lobbying activities as prohibited by law.

SEC. 223E. TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF JUSTICE.

All functions, activities and responsibilities of the Secretary of Housing and Urban Development relating to title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and the Fair Housing Act, including any rights guaranteed under the Fair Housing Act (including any functions relating to the Fair Housing Initiatives program under section 561 of the Housing and Community Development Act of 1987), are hereby transferred to the Attorney General of the United States effective April 1, 1997: Provided, That none of the aforementioned authority or responsibility for enforcement of the Fair Housing Act shall be transferred to the Attorney General until adequate personnel and resources allocated to such activity at the Department of Housing and Urban Development are transferred to the Department of Justice.

And the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall

include research and development activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $525,000,000, which shall remain available until September 30, 1997.

And the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,550,300,000, which shall remain available until September 30, 1997: Provided, that, notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger, (2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal equivalent to or better than that which would be required through a combination of pretreatment by such industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption, and (3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

And the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$28,500,000*; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *consisting of $913,400,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508*

On page 61, line 1, of the House engrossed bill, H.R. 2099, delete *''$1,003,400,000''* and insert *''$1,163,400,000''*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$11,000,000*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$59,000,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,000,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $2,323,000,000, to remain available unit expended, of which $1,400,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native villages; and $100,000,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the conference report accompanying the Act (H.R. 2099): Provided, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: Provided further, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: Provided further, That of the $1,400,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $275,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by June 1, 1996, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: Provided further, That of the funds made available in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by June 1, 1996: Provided further, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: Provided further, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to States for managing construction grant activities, on condition that the States agree to reimburse the recipients from State funding sources: Provided further, That the funds made available in Public Law 103–327 for a grant to the City of Mt. Arlington, New Jersey, in accordance with House Report 103–715, shall be available for a grant to that city for water and sewer improvements.

And the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

ADMINISTRATIVE PROVISIONS

And the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 301. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

And the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in the matter restored, insert: *$222,000,000*; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$5,456,600,000*; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$5,845,900,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105; and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,502,200,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

Upon the determination by the Administrator that such action is necessary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed $50,000,000 of funds made available in this Act to the National Aeronautics and Space Administration between such appropriations or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen requirements, than those for which originally appropriated: Provided further, That the Administrator of the National Aeronautics and Space Administration shall notify the Congress promptly of all transfers made pursuant to this authority:

And the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,274,000,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 519. In fiscal year 1996, the Director of the Federal Emergency Management Agency shall sell the disaster housing inventory of mobile homes and trailers, and the proceeds thereof shall be deposited in the Treasury.

And the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 63.

JERRY LEWIS,
TOM DELAY,
BARBARA F. VUCANOVICH,
JAMES T. WALSH,
DAVE HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
MARK W. NEUMANN,
BOB LIVINGSTON,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
CONRAD BURNS,
TED STEVENS,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
MARK O. HATFIELD,
BARBARA A. MIKULSKI,
PATRICK LEAHY,
J. BENNETT JOHNSTON,
BOB KERREY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2099) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

Amendment No. 1: Earmarks not to exceed $25,180,000 of compensation and pensions funds for payments to the general operating expenses and medical care appropriations to implement savings provisions of authorizing legislation as proposed by the House, instead of $27,431,000 as proposed by the Senate. The additional administrative funds are not required as the limitation on compensation payments to certain incompetent veterans is deleted.

Amendment No. 2: Appropriates $1,345,300,000 for readjustment benefits as proposed by the House, instead of $1,352,180,000 as proposed by the Senate.

Amendment No. 3: Deletes language proposed by the Senate earmarking $6,880,000 of the readjustment benefits appropriation for funding costs of the Service Members Occupational Conservation and Training Program. The conferees note that language is included under the general operating expenses appropriation permitting the payment of administrative costs for the Service Members Occupational Conversion and Training Act in fiscal year 1996.

VETERANS HEALTH ADMINISTRATION

Amendment No. 4: Appropriates $16,564,000,000 for medical care, instead of $16,777,474,000 as proposed by the House and $16,450,000,000 as proposed by the Senate.

The conferees note that the amount provided for medical care represents an increase of approximately $400,000,000 above the fiscal year 1995 level—and is the only appropriation in the bill with such a significant increase. While not the full amount requested, the increase provided will enable the Department to provide quality care to all veterans currently being served by the VA medical system. The conferees continue to be concerned about the Secretary's refusal to adopt systemic reforms and administrative improvements which would result in significant budgetary savings, without in any way compromising patient care. The Inspector General, the General Accounting Office, the Congressional Budget Office, and the service organizations have suggested changes which, if implemented, would yield hundreds of millions of dollars in administrative savings. As part of the operating plan,the Secretary is to submit a plan to implement the improvements identified by these organizations and any other reforms which would result in administrative savings totaling a minimum of $400,000,000 for fiscal year 1996.

The conference agreement includes funding for the following:

+$500,000 for a Low Vision Center in Ophthalmology at the East Orange VA Medical Center.

+$500,000 for a geriatric patient care program at the Lyons VA Medical Center.

+$396,000 to provide outpatient care at the Grafton Development Center in Grafton, North Dakota.

+$300,000 to provide outpatient care in Williamsport, Pennsylvania.

+$1,500,000 to expand existing community-based outpatient clinics in Wood County and Tucker County, West Virginia.

+$1,600,000 to establish a primary care clinic in Liberal, Kansas.

The conference committee is aware of the difficulty in staffing several VA facilities in the southwest, particularly in El Paso, Texas. This situation is compounded by budgetary constraints the VA faces in allocating FTEE's among its facilities. The conferees urge that the VA, through the veterans integrated service networks, engage in intra-VISN FTEE transfers during the fiscal year for purposes of staffing as warranted by changing circumstances in VA medical facilities. The conferees also urge the Department to review the staffing situation in El Paso and to move personnel as necessary to meet the new service demands that will exist if veterans are not required to travel to other VA facilities for treatment.

The conferees commend the Department for its participation in an advanced coal technology project at the Lebanon, Pennsylvania VA Medical Center in which a fluidized bed boiler will co-fire coal and medical wastes to provide steam for the hospital. Given the potential cost savings for energy and hospital waste disposal, the conferees direct the Department to study the potential for using this technology at other VA facilities.

The conference committee strongly urges VA to develop a center to coordinate academic training programs for physical therapists at the Brooklyn VA hospital. The conferees are aware there is a shortage of physical therapists nationwide. A training center would provide the opportunity for students to complete research projects in physical therapy and rehabilitation. In view of the critical shortage of clinical training sites in the New York City area, the Brooklyn VA would provide an excellent location for such a training program.

The conferees note with considerable interest that the VA has used laser-imaging, nonsilver, dry-medium technology to provide high resolution hard copy images for X-ray examinations in various hospitals around the country. This type of system produces faster

diagnosis, with attendant cost savings, and is environmentally safe. Accordingly, the conferees strongly encourage the VA to expand the use of this type of technology in all of its facilities.

The VA plans to expand access to outpatient care. These access points are being considered in more than 180 locations. The conferees are concerned with associated policy, legal, and budgetary issues and expect the VA to address these matters before proceeding with such expansion plans.

The conferees understand that the Department expends approximately $212,000,000 annually on utility costs. Opportunities for creative private sector funding of energy efficiency programs exist through procurements sanctioned by the Department of Energy's Federal Energy Management Program. The VA is encouraged to explore such opportunities, and, where appropriate, to take advantage of them.

Questions have been raised concerning the expansion of the Los Angeles National Cemetery by utilizing open space at the West Los Angeles VA Medical Center. The conferees direct that no property disposal, leasing action or capital improvements be taken that would jeopardize the Government's title to any land at the West Los Angeles VA Medical Center until all options have been reviewed by the VA and the Congress.

The VA is encouraged to create outpatient clinics, especially to help veterans in rural areas. Specifically, the conferees encourage the establishment of outpatient clinics in Lynn, Massachusetts and Gainesville, Georgia. The VA also is strongly encouraged to establish an orthopedic clinic at the Muskogee VA Medical Center. Such a clinic should be staffed by an orthopedist at least three days a week.

Amendent No. 5: Deletes language proposed by the Senate enabling the VA to treat veterans eligible for hospital care or medical services in the most efficient manner. In deleting this language, the conferees wish to make clear that they support budget neutral eligibility reform. Current eligibility requirements for VA medical care are in need of simplification and reform. Such legislation will, within any given dollar amount, permit the medical treatment of a greater number of veterans on an outpatient basis, as compared to the current approach which emphasizes inpatient treatment.

Amendment No. 6: Appropriates $257,000,000 for medical and prosthetic research as proposed by the Senate, instead of $251,743,000 as proposed by the House. The conferees agree that the recommended amount includes $1,250,000 to establish an Office of Veterans Affairs Technology Transfer Center.

Amendment No. 7: Deletes language proposed by the House and stricken by the Senate appropriating $10,386,000 for the health professional scholarship program.

DEPARTMENTAL ADMINISTRATION

Amendment No. 8: Appropriates $848,143,000 for general operating expenses, instead of $821,487,000 as proposed by the House and $872,000,000 as proposed by the Senate. Language has been inserted to limit funding for General Administration activities, and the number of schedule C and non-career senior executive service positions. Language is also inserted to permit up to $6,000,000 of the appropriation to be used for administrative expenses of the housing loan guaranty programs.

The conference agreement includes the following changes from the budget estimate:

−$32,000,000 in the Veterans Benefits Administration as an offset to legislation carried in the VA administrative provisions which permits excess revenues in three insurance funds to be used for administrative expenses.

−$25,500,000 in the Veterans Benefits Administration as an offset to the provision carried under this heading permitting the $25,500,000 earmarked in the 1995 Appropriations Act for VBA's modernization program to be available for the general purposes of the account.

−$7,423,000 (as a minimum) to be taken from the $221,532,000 appropriation requested for General Administration activities. This will permit not to exceed $214,109,000, the 1995 level, for such activities. The conferees intend that to the maximum extent possible all reductions in General Administration and Veterans Benefits Administration be taken from central office activities.

−$2,577,000 as a general reduction in Veterans Benefits Administration activities, subject to normal reprogramming procedures. To continue improving the timeliness of claims, the conferees do not intend that any reduction in funding be applied to the compensation, pensions, and education program. The conferees further intend that VBA will utilize $1,000,000 for a study by the National Academy of Public Administration of the claims processing system. The conferees agree that the NAPA report should build upon and not duplicate any previous or ongoing evaluations of the Veterans Benefits Administration. NAPA is to coordinate with those entities which have conducted evaluations in the past and provide to the Department and the appropriate Committees of Congress a detailed and specific implementation plan for the recommendations it makes.

Language is included to limit to not to exceed $214,109,000 for General Administration costs, including not to exceed $2,450,000 for salaries and $50,000 for travel costs of the Office of the Secretary; $4,392,000 for salaries and $75,000 for travel costs of the Office of the Assistant Secretary for Policy and Planning; $1,980,000 for salaries and $33,000 for travel costs of the Office of the Assistant Secretary for Congressional Affairs; and $3,500,000 for salaries and $100,000 for travel costs of the Office of the Assistant Secretary for Public and Intergovernmental Affairs. The balance of the savings is to be taken at the discretion of the VA, subject to normal reprogramming procedures, from funds requested for the Office of the Assistant Secretary for Human Resources and Administration, the Office of General Counsel, and the Office of the Assistant Secretary for Acquisition and Facilities.

Language has also been included that would limit the number of schedule C employees to 11 and the number of non-career senior executive service positions to 6 in fiscal year 1996.

Language has also been included to permit up to $6,000,000 of general operating expenses funds to be used for administrative expenses of the loan guaranty and insured loans programs. The VA has requested this provision so as to avoid furloughs.

Amendment No. 9: Appropriates $136,155,0009 for construction, major projects, instead of $183,455,000 as proposed by the House and $35,785,000 as proposed by the Senate.

The conference agreement includes the following changes from the budget estimate:

−$146,900,000 from the $154,700,000 requested for the new medical center and nursing home project in Brevard County, Florida. The balance of the request, $7,800,000, together with $17,200,000 appropriated in 1995, will provide $25,000,000 for the design and construction of a comprehensive medical outpatient clinic in Brevard County, Florida. The conferees expect the VA to commence construction of this project as soon as possible.

−$163,500,000 from the $188,500,000 requested for the VA/Air Force joint venture at Travis Air Force Base in Fairfield, California. The balance of the request, $25,000,000, is for the design and construction of an outpatient clinic project at Travis Air Force Base. The conferees recognized that the VA's preliminary cost estimate for this project is $39,500,000. The VA should evaluate the needs of the veterans in the area for outpatient services and report such findings to the Committees on Appropriations.

+$1,000,000 for design of a new national cemetery in the Albany, New York area.

$5,000,000 for design of an ambulatory care addition, patient privacy and environmental improvements project at the Wilkes-Barre, Pennsylvania VA Medical Center.

$4,000,000 for the relocation of medical school functions at the Mountain Home, Tennessee VA Medical Center.

$1,500,000 for design of an ambulatory care addition project at the Asheville, North Carolina VA Medical Center.

+$1,400,000 for design of a new national cemetery in the Joliet, Illinois area.

−$9,000,000 for renovation of nursing units at the Lebanon, Pennsylvania VA Medical Center.

−$11,500,000 for environmental improvements at the Marion, Illinois VA Medical Center.

−$17,300,000 for replacement of psychiatric beds at the Marion, Indiana VA Medical Center.

−$15,100,000 for renovation of psychiatric wards at the Perry Point, Maryland VA Medical Center.

−$17,200,000 for environmental enhancements at the Salisbury, North Carolina VA Medical Center.

−$10,000,000 from the $17,500,000 requested for the advance planning fund.

The conferees have approved major construction funding only for those projects which do not require further authorization. While many of the projects requested in the budget are meritorious, without an authorization no funding can be obligated. The Department should utilize minor construction funds to meet life safety or code deficiencies and to ensure compliance with Joint Commission on Accreditation of Healthcare Organizations criteria.

The conferees believe that the Department must assemble a long-term plan for its infrastructure and construction needs, taking into consideration an increasingly constrained budgetary environment, a decline in the veteran population, shifting demographics, the need to provide more equitable access to veterans medical care systemwide, changes in health care delivery methods, and any policy changes the VA adopts with respect to access points. It is expected that the fiscal year 1997 budget request for major construction funding will be predicated on an analysis incorporating all such variables.

Amendment No. 10: Appropriates $190,000,000 for construction, minor projects, as proposed by the Senate, instead of $152,934,000 as proposed by the House. The conferees agree that this appropriation account should be used to meet any critical requirements, such as safety and fire code deficiencies, at facilities which were denied major construction funding in 1996.

ADMINISTRATIVE PROVISIONS

Amendment No. 11: Inserts language proposed by the Senate authorizing the VA to convey property to the Federal Highway Administration which is necessary for the modernization of U.S. Highway 54 in Wichita, Kansas.

Amendment No. 12: Deletes language proposed by the Senate authorizing the VA to use supply fund resources for an acquisition computer network.

Amendment No. 13: Deletes language proposed by the Senate regarding access to VA

medical care for veterans in Hawaii, and deletes language in the administrative provisions which would limit compensation payments to certain incompetent veterans.

In deleting the Senate language, the conferees wish to make clear their concern that veterans in the State of Hawaii do not have access to veterans medical care comparable to that of veterans in the forty-eight contiguous states. Through sharing arrangements with the Tripler Army hospital and community facilities, and existing VA outpatient clinics, the Department is to ensure adequate and equitable access to care for Hawaii's veterans. Furthermore, VA should provide care within the State whenever possible rather than transferring patients to the West Coast for acute care services, which is extremely inconvenient for veterans and their families.

The conferees have agreed to delete language carried in sec. 107 of the VA's administrative provisions limiting compensation payments to certain incompetent veterans.

Amendment No. 14: Deletes language proposed by the Senate requiring the Secretary to develop a plan for the allocation of VA health care resources to remedy discrepancies in the allocation of funds to VA facilities across the country.

The conferees are concerned that VA's allocation of resources has not resulted in equal access to health care services for veterans nationally. Despite implementation of the resource planning and management system several years ago, VA has not shifted resources sufficiently to meet changing demand.

The conferees recognize the Veterans Health Administration recently reorganized into veterans integrated service networks and expect that the reorganization will result in a more equitable allocation of resources nationally. To ensure that this occurs, the conferees direct the Department to develop a plan to allocate resources in a manner that will result in equal access to medical care for veterans and will take into account projected changes in the workload of each facility. The plan should reflect the RPM system to account for forecasts in expected workload and should recognize facilities that provide cost-effective health care. The plan shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and provision of high quality care.

Amendment No. 15: Inserts language permitting the transfer of not to exceed $4,500,000 of 1996 medical care funds to the medical and administration and miscellaneous operating expenses account, instead of $5,700,00 as proposed by the Senate.

The conference agreement includes permissive transfer authority of up to $4,500,000 from the medical care account to the MAMOE account to help alleviate possible furloughs. The conferees wish to make clear, however, that any transfer is to occur only through the normal reprogramming procedures. It is expected that the central office medical staffing funded through this account will reduced to 600 by the end of the fiscal year 1996.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Amendment No. 16: Appropriates $10,155,795,000 for annual contributions for assisted housing, instead of $10,182,359,000 as proposed by the House and $5,594,358,000 as proposed by the Senate. The conferees expect the Department and the Office of Management and Budget to adhere to the 1996 program detailed in the following table:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING FISCAL YEAR 1996—GROSS RESERVATIONS

	Units	Cost	Term	Budget authority
New authority	NA	NA	NA	$10,155,795,000
New spending:				
Public housing modernization	NA	NA	NA	2,500,000,000
Indian housing	1,603	$99,800	NA	160,000,000
Section 202 elderly	9,654	[NA]	[NA]	780,190,000
Section 811 disabled	2,915	[NA]	[NA]	233,168,000
HOPWA	6,400	[NA]	[NA]	171,000,000
Section 8 replacement assistance	35,398	$5,650	2	400,000,000
[Witness relocation]	NA	NA	NA	[2,500,000]
Preservation	NA	NA	NA	624,000,000
Property disposition	NA	NA	NA	261,000,000
Lead-based paint	NA	NA	NA	65,000,000
Family self-sufficiency	NA	NA	NA	
Section 8 amendments	NA	NA	NA	4,350,862,000
Section 8 contract renewals	435,028	$5,680	[1] 2	610,575,000
Total	490,998	NA	NA	10,155,795,000

[1] Loan management set-asides are renewed for one year.

Including these funding levels, the House and Senate agree to the resolution of the following issues:

Deletes language proposed by the House and stricken by the Senate to establish an outlay cap of $19,939,311,000 for the annual contributions for assisted housing account.

Provides $160,000,000 for Indian housing development, instead of $100,000,000 as proposed by the House and $200,000,000 as proposed by the Senate.

Provides $2,500,000,000 for public housing modernization as proposed by the House, instead of $2,510,000,000 as proposed by the Senate.

Deletes language proposed by the House and stricken by the Senate to provide the Secretary authority to direct any housing authority that receives modernization funds under this Act, or has yet to obligate rehabilitation funds from prior year appropriations Acts, to demolish, reconfigure, or reduce the density of any public housing project owned by the housing authority.

Deletes language proposed by the House and stricken by the Senate to provide $15,000,000 for the tenant opportunity program as a setaside from the public housing modernization program. Funding for this activity is provided as a separate setaside under the community development block grant program.

Inserts language proposed by the Senate to set aside funds from the public housing modernization program for technical assistance, but at a modified funding level of $20,000,000, instead of $30,000,000 as proposed.

Provides $400,000,000 for section 8 rental assistance, instead of $862,000,000 as proposed by the House and $240,000,000 as proposed by the Senate.

Inserts language proposed by the Senate to provide such section 8 rental assistance under only certain circumstances, including new language to allow funds to be used for witness relocation assistance in conjunction with the safe home initiative.

Restores language proposed by the House and stricken by the Senate to allow such section 8 rental assistance to be used in connection with subsequent authorizing legislation.

Deletes appropriations language establishing a special needs housing fund for multiple purposes as proposed by the House.

Provides $780,190,000 for section 202 elderly housing as proposed by the Senate, instead of an unspecified earmark as proposed by the House under the special needs housing appropriation. Such funding will assist 9,654 elderly households, the same number as provided for in fiscal year 1995.

Provides $233,168,000 for section 811 disabled housing as proposed by the Senate, instead of an unspecified earmark as proposed by the House under the special needs housing appropriation. Such funding will assist at least 2,915 disabled households, the number as provided for in fiscal year 1995. This figure is likely to be higher because language is added permitting the Secretary to use up to 25 percent of the funds provided to be used for section 8 vouchers to serve the same population. Such assistance must have a contract term of five years.

Provides $171,000,000 for the housing opportunities for persons with AIDS program, instead of an unspecified earmark as proposed by the House under the special needs housing appropriation. Such funding will assist 6,400 households and matches the amount of funding provided for in fiscal year 1995.

Inserts language proposed by the House and agreed to by the Senate to allow the Secretary to waive any provision of the section 202 and 811 programs, including the terms and conditions of project rental assistance.

Deletes language proposed by the House and stricken by the Senate to allow the Secretary to use up to $200,000,000 of unobligated carryover balances of the annual contributions for assisted housing account to implement preservation legislation enacted subsequent to this Act.

Provides $624,000,000 for the Emergency Low Income Preservation Act of 1987, as amended, and the Low Income Housing Preservation and Resident Homeownership Act of 1990, as amended. Until July 1, 1996, such funding will be limited to sales of projects to non-profit organizations, tenant-sponsored organizations, and other priority purchasers. Up to $10,000,000 of this amount will be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as amended. With respect to funds remaining available after July 1, 1996, the Secretary may determine priorities for distributing such funds, including giving priority to tenants displaced due to mortgage prepayment

and to projects that have not yet been funded but which have approved plans of action, if the Secretary determines that demand for funding exceeds amounts remaining. In addition, the Secretary may impose a temporary moratorium on applications by potential recipients of such funding.

The legislation also provides owners the opportunity to prepay their mortgages or request voluntary termination of a mortgage insurance contract, as long as the owner agrees not to increase rents for 60 days after such prepayment. This condition is necessary in order to allow HUD time to make available rental assistance for eligible families who desire to stay or move.

As a condition of eligibility for preservation funds under this Act, the legislation establishes a threshold of the lesser of $5,000 per unit, $500,000 per project, or eight times the local fair market rent for each unit in preservation equity. This is intended to direct federal resources at those projects with the greatest likelihood of prepayment.

The Secretary also may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236. In addition, the Secretary may give priority to funding obligated not later than August 1, 1996 for the following purposes: (1) projects with approved plans of action to retain the housing that file a modified plan of action not later than July 1, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a federal disaster area in a Presidential Disaster Declaration; and (4) projects that have submitted an appraisal to the New York State office.

Notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment, and whose rent, as a result of prepayment exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay rent not less than that rent paid on such date. Any eligible family receiving such tenant-based assistance may elect to remain in the housing and if the rent is in excess of the fair market rent or payment standard, as applicable, the rent shall be deemed the applicable standard, so long as the administering public housing agency deems that the rent is reasonable in comparison to rents charged for comparable unassisted housing units in the market. In instances where eligible families move with such assistance to other private rental housing, the rent will be subject to the fair market rent or the payment standard, as applicable, under existing rules and procedures.

The resources provided by conferees under this Act for the preservation program ought not to be considered another payment in a long list of federal preservation program payments, but as the last payment for addressing preservation in this manner. Included in this section is a provision to effectively terminate the preservation program after October 1, 1996. Unless this program is substantially reformed, Congress will appropriate only rental assistance for eligible residents of projects where owners have decided to prepay. Such assistance will allow residents to stay in the same housing at the same cost or move to other private housing.

Provides $65,000,000 for lead-based paint activities, including abatement grants, instead of $10,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

Deletes $17,300,000 for family self-sufficiency coordinators as proposed by the House and stricken by the Senate. Such activities are eligible under the public and assisted housing services setaside under the community development block grant program.

Provides $4,350,862,000 for the renewal of expiring section 8 contracts, instead of $4,641,589,000 as proposed by the House. The Senate had proposed $4,350,862,000 for section 8 contract renewals under a separate appropriations heading.

Restores language proposed by the House and stricken by the Senate to merge funds provided for section 8 contract renewals with annual contributions for assisted housing.

The following table identifies expected section 8 contract renewal costs for fiscal year 1996:

SECTION 8—RENEWAL OF EXPIRING CONTRACTS

[Dollars in thousands]

	Units	1996 Budget authority
Certificates	241,206	$2,993,597
Vouchers	58,798	729,739
LMSA	120,587	475,354
Property Disposition	4,464	35,194
Moderate Rehabilitation	8,016	99,486
New Construction/Substantial Rehabilitation	1,957	17,492
Total	435,028	4,350,862

Note: Totals may not add due to rounding.

Restores language proposed by the House and stricken by the Senate to allow the use of section 8 contract renewal funds with subsequently enacted legislation.

Inserts language to allow the Secretary to renew housing vouchers without regard to section 8(o)(6)(B) of the Housing Act of 1937, a provision requiring HUD to budget an additional 10 percent to cover long-term inflation adjustments for housing vouchers. The Senate had proposed identical language under its separate heading for section 8 contract renewals.

Provides $610,575,000 for section 8 contract amendments as proposed by the House, instead of $500,000,000 as proposed by the Senate.

Provides $261,000,000 for property disposition as proposed by the Senate, instead of no funding as proposed by the House.

Inserts language proposed by the Senate to allow the Secretary to manage and dispose of multifamily properties owned by HUD and multifamily mortgages held by HUD with regard to any other provision of law.

Inserts language proposed by the Senate to allow state housing finance agencies, local governments, or local housing agencies to keep 50 percent of the savings from refinancing housing projects, as specified under section 1012(a) of the Stewart B. McKinney Homeless Assistance Act of 1988. The other 50 percent of budget authority savings shall be rescinded, or in the case of cash, remitted to the U.S. Treasury.

Provides $280,000,000 for the public housing demolition, site revitalization, and replacement housing grants program. The Senate proposed $500,000,000 for this activity and the House nothing.

Inserts language identifying eligible uses of these funds, as proposed by the Senate. Conferees agree funds are needed to assist housing authorities in the demolition of obsolete public housing. However, the conferees are concerned about the Department's use of waiver authority under the Department's total development cost (TDC) controls. Upon waiving such controls, the conferees direct the Department to notify the appropriate committees of Congress.

Deletes separate appropriation for the assistance for the renewal of expiring section 8 subsidy contracts as proposed by the Senate and all other language under this heading.

Amendment No. 17: Appropriates $2,800,000,000 for payments for the operation of public housing projects as proposed by the Senate, instead of $2,500,000,000 as proposed by the House.

The conferees are concerned that the funding formula applied to Puerto Rico, which has always been excluded from the Performance Funding System (PFS) under the operating expense subsidy program of the U.S. Housing Act of 1937, may have led to the inequitable treatment for Puerto Rico as compared to the states, and even other non-PFS territories. Consistent with overall objectives of streamlining programs and funding, allowable expense levels (AELs) should be fairly and effectively allocated among all jurisdictions, both inside and outside the PFS system. The conferees encourage HUD to study the AEL formula for Puerto Rico to determine if it accurately reflects the actual costs to operate decent and affordable assisted housing in Puerto Rico.

Amendment No. 18: Appropriates $290,000,000 for Drug Elimination Grants for Low-Income Housing as proposed by the Senate, instead of the proposed consolidation of these functions into the public housing modernization program as proposed by the House. Of this amount, the conferees earmark $10,000,000 for technical assistance grants and $2,500,000 for the Safe Home initiative. In addition, the conferees agree to language in the Senate bill that would redefine ''drug-related crime'' as determined by the HUD Secretary.

In order to defer to the committees of jurisdiction, the conferees delete language proposed by the Senate to allow the Secretary to distribute Drug Elimination Grants funds through a formula allocation.

Amendment No. 19: Deletes language proposed by the House and stricken by the Senate to provide $12,000,000 for housing counseling under a separate appropriations heading. Instead, $12,000,000 is provided for identical housing counseling activities as an earmark under the Community Development Block Grants program.

Amendment No. 20: Deletes language proposed by the Senate on describing how homeless assistance funds will be distributed, including language permitting the Secretary to distribute homeless funds under a formula allocation.

Amendment No. 21: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 22: Deletes language proposed by the House and stricken by the Senate to make eligible the Innovative Homeless Initiatives Demonstration program under Homeless Assistance Grants. The authorization for this initiative terminated the demonstration as of September 30, 1995.

Amendment No. 23: Appropriates $823,000,000 for Homeless Assistance Grants, instead of $676,000,000 as proposed by the House and $760,000,000 as proposed by the Senate. This amount is equivalent to a funding freeze for homeless programs instead of a reduction. In fiscal year 1994, the appropriations for HUD homeless programs totaled $823,000,000. In fiscal year 1995, Public Law 104–19 deferred the availability of $297,000,000 of the original appropriations of $1,120,000,000 until September 30, 1995, effectively reducing the fiscal year 1995 program level to $823,000,000.

The conferees remain concerned that HUD homeless programs put too much emphasis on short-term solutions instead of long-term comprehensive strategies. To the maximum extent practicable, the conferees direct the Department to allocate homeless assistance grants under the Shelter Plus Care program

which requires a dollar-for-dollar match of services for HUD housing assistance. Homeless assistance of nearly $1,000,000,000 is small compared to the $12,000,000,000 of federal service dollars that serve much of this same population. Homeless studies, such as the 1990 Annual Report of the Interagency Council on the Homeless, show that housing in combination with appropriate services is the most effective way of permanently reducing homelessness. The conferees recognize that a one-size-fits-all approach does not recognize the diversity among communities and the diverse needs of the homeless population.

Amendment No. 24: Deletes language proposed by the Senate to allow Homeless Assistance Grants to be distributed by formula in fiscal year 1996. The conferees defer to the authorizing committees to determine an adequate program formula over the coming months. Language is also deleted requiring the Secretary to complete a study on how to merge homeless assistance programs under the Stewart B. McKinney Homeless Assistance Act with the HOME program.

Amendment No. 25: Appropriates $50,000,000 for grants to Indian tribes instead of $46,000,000 as proposed by the House and $60,000,000 as proposed by the Senate.

Amendment No. 26: Inserts language proposed by the Senate to provide $2,000,000 for the Housing Assistance Council and $1,000,000 for the National American Indian Housing Council as setasides under the Community Development Block Grants program. The House had proposed funding these two councils at the same level as setasides under the HUD salaries and expenses account.

Amendment No. 27: Appropriates $27,000,000 for Section 107 grants as proposed by the Senate instead of $19,500,000 as proposed by the House. The conferees are in agreement that Section 107 funding includes $7,000,000 for insular areas, $6,000,000 for work study (including $3,000,000 for Hispanic-serving institutions), $6,500,000 for historically black colleges and universities (HBCUs), and $7,500,000 for the community outreach partnership program.

The conferees urge HUD to use community outreach partnership funds to support new and existing planning grants to universities located in and around urban areas with high minority populations, low standards of living and large numbers of empty or abandoned dwellings. Priority ought to be given to proposals that seek to address community problems comprehensively and in partnership with local government, and consideration should be made for projects which include HBCUs as local partners.

The conferees are aware of an innovative business development center proposal of Hofstra University which will coordinate and target educational and technical assistance activities designed to foster economic development and job creation on Long Island. The proposal mirrors the goals of the Community Outreach Partnership program and therefore the Department is urged to carefully review this proposal in connection with the funding recommended for this activity.

Amendment No. 28: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 29: Inserts language proposed by the Senate to permanently extend homeownership activities as an eligible use of CDBG funds.

Amendment No. 30: Inserts language proposed by the Senate to extend for one year a set-aside for Colonias of up to 10% of state CDBG allocations for the U.S. border states of Arizona, California, New Mexico, and Texas.

Amendment No. 31: Inserts language proposed by the Senate and amended by the House to provide $53,000,000 as a set-aside from the CDBG program for public and assisted housing supportive services. The amended language also earmarks $15,000,000 for the Tenant Opportunity Program, $12,000,000 for Housing Counseling activities, and $20,000,000 for the Youthbuild program. With regard to the Tenant Opportunity Program, this set-aside represents a 40 percent reduction from last year's funded level of $25,000,000. The conferees have been made aware of recent abuses in this program and direct the Department to eliminate such abuses if the program is to receive additional funding. Conferees agree this is the last year of appropriations funding for Youthbuild as a separate earmark and anticipate that Youthbuild will become an eligible activity under CDBG or another block grant in the coming year, to be determined by the appropriate authorizing committees. The conferees delete funding proposed by the Senate for Economic Development Initiatives at $80,000,000.

Amendment No. 32: Appropriates $31,750,000 for credit subsidies for the Section 108 loan guarantee program instead of $15,750,000 as proposed by the Senate, and $10,500,000 as proposed by the House.

Amendment No. 33: Establishes a loan limitation of $1,500,000,000 for the Section 108 loan guarantee program as proposed by the Senate, instead of $1,000,000,000 as proposed by the House, and inserts language to waive the aggregate loan limitation.

Amendment No. 34: Appropriates $675,000 for administrative expenses of the Section 108 loan guarantee program as proposed by the Senate, instead of $225,000 as proposed by the House.

Amendment No. 35: Inserts language for the reuse of a grant for Buffalo, New York for the central terminal and other public facilities in Buffalo, New York.

Amendment No. 36: Appropriates $30,000,000 for fair housing activities to be operated by HUD, instead of providing $30,000,000 for these activities to be funded under the Department of Justice, as proposed by the Senate. Language is added to limit eligibility under the fair housing initiatives program (FHIP) to only qualified fair housing enforcement organizations, as proposed by the Senate. The House and Senate conferees strongly support the enforcement of fair housing laws, but are concerned that FHIP funds have been used by non-traditional fair housing groups in a manner that is inconsistent with the program's intent to enforce fair housing laws. The conferees direct the Department to provide the Committees on Appropriations an opportunity to review the new standard of qualified fair housing organizations prior to awarding fiscal year 1996 FHIP funds. The House has proposed $30,000,000 for fair housing activities, but only for the fair housing assistance program (FHAP).

Amendment No. 37: Appropriates $962,558,000 for salaries and expenses, instead of $951,988,000 as proposed by the House and $980,777,000 as proposed by the Senate. The Department is to distribute the general reduction, subject to normal reprogramming guidelines. In addition, the conferees direct the Department to outline when and how future staffing reductions will occur to meet the Administration's goal of 7,500 HUD employees by fiscal year 2000. To the extent reductions are needed to take place in fiscal year 1996 to meet fiscal year 2000 staffing goals, the conferees urge the Department to utilize early in the fiscal year any resources needed to achieve such purpose.

Amendment No. 38: Authorizes the use of $532,782,000 for salaries and expenses from the various funds of the Federal Housing Administration as proposed by the Senate, instead of $505,745,000 as proposed by the House.

Amendment No. 39: Authorizes the use of $9,101,000 for salaries and expenses from the funds of the Government National Mortgage Association as proposed by the Senate, instead of $8,824,000 as proposed by the House.

Amendment No. 40: Authorizes the use of $675,000 for salaries and expenses from the Community Development Grants program account as proposed by the Senate, instead of $225,000 as proposed by the House.

Amendment No. 41: Appropriates $47,850,000 for salaries and expenses of the Office of Inspector General, instead of $47,388,000 as proposed by the House and $48,251,000 as proposed by the Senate.

Amendment No. 42: Authorizes the use of $11,283,000 for salaries and expenses of the Office of Inspector General from the various funds of the Federal Housing Administration as proposed by the Senate, instead of $10,961,000 as proposed by the House.

Amendment No. 43: Restores language proposed by the House and deleted by the Senate to appropriate $14,895,000 for the Office of Federal Housing Enterprise Oversight (OFHEO).

Amendment No. 44: Inserts language proposed by the Senate to allow the Secretary to sell up to $4,000,000,000 of assigned mortgage notes under the FHA Mutual Mortgage Insurance (FHA–MMI) Program account and use any negative credit subsidy amounts from such sales during fiscal year 1996 for the disposition of properties or notes under the FHA–MMI program.

Amendment No. 45: Appropriates $341,595,000 for administrative expenses of the guaranteed and direct loan programs of the FHA–MMI program account as proposed by the Senate, instead of $308,846,000 as proposed by the House.

Amendment No. 46: Authorizes the transfer of $334,483,000 for departmental salaries and expenses from the FHA–MMI program account as proposed by the Senate, instead of $308,290,000 as proposed by the House.

Amendment No. 47: Authorizes the transfer of $7,112,000 for the Office of Inspector General from the FHA–MMI program account as proposed by the Senate, instead of $6,790,000 as proposed by the House.

Amendment No. 48: Appropriates $85,000,000 for credit subsidies under the FHA-General and Special Risk Insurance (FHA–GI/SRI) program account, as authorized by Sections 238 and 519 of the National Housing Act, instead of $100,000,000 as proposed by Senate. It is the understanding of the conferees that when these funds are combined with new statutory authority to use net asset sales proceeds for additional credit subsidies, the combined program level will exceed $100,000,000. Under a different proviso stricken by the Senate, the House proposed $69,620,000 for these activities.

Amendment No. 49: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 50: Establishes guarantee loan limitation of $17,400,000,000 as proposed by the Senate, instead of $15,000,000,000 as proposed by the House.

Amendment No. 51: Inserts language proposed by the Senate to authorize the sale of up to $4,000,000,000 of assigned notes under the FHA–GI/SRI program account. Under a separate proviso stricken by the Senate, the House had proposed the sale of $2,400,000,000 of such notes. Also inserts language proposed by the Senate to allow the use of any negative credit subsidy from such sales to offset new FHA–GI/SRI guarantee activity. A separate House provision stricken by the Senate contained similar language on the reuse of negative credit subsidies.

Amendment No. 52: Inserts language proposed by the Senate to allow funds previously appropriated to remain available

until expended if such funds have not been obligated. The House language stricken by the Senate extended the availability of such funds if they had not been previously made available for obligation.

Amendment No. 53: Deletes language proposed by the House and stricken by the Senate to reuse negative credit subsidies from the sale of FHA–MI/SRI assigned notes for new loan guarantee credit subsidies under the same account. Also deletes House language establishing a cap of $2,600,000,000 on the amount of such sales, a limitation on the availability of $52,000,000 of excess proceeds from such sales, and an appropriation of $69,620,000 for credit subsidies.

Amendment No. 54: Appropriates $202,470,000 for administrative expenses of the guaranteed and direct loan programs of the FHA–GI/SRI program account as proposed by the Senate, instead of $197,470,000 as proposed by the House.

Amendment No. 55: Authorizes the transfer of $198,299,000 for departmental salaries and expenses from the FHA–GI/SRI program account as proposed by the Senate, instead of $197,455,000 as proposed by the House.

Amendment No. 56: Appropriates $9,101,000 for administrative expenses of the Government National Mortgage Association (GNMA) guaranteed mortgage-backed securities program as proposed by the Senate, instead of $8,824,000 as proposed by the House.

Amendment No. 57: Authorizes the transfer of $9,101,000 for departmental salaries and expenses from the GNMA mortgage-backed securities guaranteed loan receipt account as proposed by the Senate, instead of $8,824,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

Amendment No. 58: Inserts administrative provisions agreed to by the conferees. These provisions, identified by section number, are as follows:

SEC. 201. Extend Administrative Provisions from the Rescission Act. Inserts language proposed by the Senate to modify and extend the applicability of language affecting the public housing modernization program and the public housing one-for-one replacement requirement first enacted in Public Law 104–19. The House proposed similar language to suspend the one-for-one replacement requirement for fiscal year 1996.

SEC. 202. Public and Assisted Housing Rents, Income Adjustments, and Preferences. (a) Minimum Rent. Inserts language to establish minimum rents at $25 per month per household and up to $50 per month at the discretion of the public housing authority (PHA). (b) Ceiling Rents. Also establishes a second calculation of ceiling rents that reflect reasonable market value of the housing but are not less than the monthly operating costs and, at the discretion of the PHA, contribution to a replacement reserve. (c) Definition of Adjusted Income. Allows PHAs to adopt separate income adjustments from those currently established under the Housing Act of 1937. However, the Secretary shall not take into account any reduction of the per unit dwelling rental income when calculating federal subsidies under the public housing operating subsidies program. (d) Preferences. Suspends federal preferences for the public and assisted housing programs. (e) Applicability. Extends the applicability of subsections (a), (b), (c), and (d) to Indian housing programs. (f) Limits the application of this section to fiscal year 1996 only.

SEC. 203. Conversion of Certain Public Housing to Vouchers. Establishes criteria for identifying public housing to be converted to voucher assistance, rules for implementation and enforcement, and a process for removing units from the public housing inventory and converting federal assistance to vouchers. Section 18 of the Housing Act of 1937 shall not apply to the demolition of developments under this section.

SEC. 204. Streamlining Section 8 Tenant-Based Assistance. (a) Suspends for fiscal year 1996 the ''take one, take all'' requirement, section 8(t) of the Housing Act of 1937. (b) Suspends for fiscal year 1996 certain notice requirements for owners participating in the certificate and voucher programs. (c) In addition, this provision suspends for fiscal year 1996 the ''endless lease'' requirement under section 8(d)(1)(B).

SEC. 205. Section 8 Fair Market Rentals, Administrative Fees, and Delay in Reissuance. (a) Establishes fair market rentals at the 40th percentile of modest cost existing housing instead of the current 45th percentile calculation. (b) Modifies provision to freeze administrative fees for tenant-based assistance administered by a public housing agency. (c) Delays the reissuance of section 8 vouchers and certificates by three months. The Administration originally proposed similar proposals in its fiscal year 1996 budget. Both the House and Senate are in agreement on these new policy directions.

SEC. 206. Public Housing/Section 8 Moving to Work Demonstration. Establishes a demonstration of no more than 30 public housing authorities to reduce cost and achieve greater cost-effectiveness in federal expenditures, to provide incentives for heads of households to become economically self-sufficient, and to increase housing choices for lower-income families. The demonstration may include no more than 25,000 public housing units.

SEC. 207. Repeal of Provisions Regarding Income Disregards. Repeals section 957 of the Cranston-Gonzalez National Affordable Housing Act and section 923 of the Housing and Community Development Act of 1992.

SEC. 208. Extension of Multifamily Housing Finance Programs. Extends sections 542(b)(5) and 542(c)(4) as proposed by the House and Senate.

SEC. 209. Foreclosure of HUD-held Mortgages Through Third Parties. During fiscal year 1996, allows the Secretary to delegate some or all of the functions and responsibilities in connection with the foreclosure of mortgages held by HUD under the National Housing Act.

SEC. 210. Restructuring of the HUD Multifamily Mortgage Portfolio Through State Housing Finance Agencies. During fiscal year 1996, allows the Secretary to sell or transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency.

SEC. 211. Transfer of Section 8 Authority. Allows the Secretary to use section 8 budget authority that becomes available because of the termination of a project-based assistance contract to provide continued assistance to eligible families. Section 8 renewal assistance may be used for the same purpose at the time of contract expiration.

SEC. 212. Documentation of Multifamily Refinancings. Extends through fiscal year 1996 and thereafter, the amendments to section 223(a)(7) of the National Housing Act included in Public Law 103–327.

SEC. 213. FHA Multifamily Demonstration. Establishes a demonstration to review the feasibility and desirability of ''marking-to-market'' the debt service and operating expenses attributable to HUD multifamily projects which can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents utilizing project-based or tenant-based assistance. Such demonstration is limited to 15,000 units over fiscal years 1996 and 1997. The provision also appropriates $30,000,000 as a credit subsidy for such activities.

SEC. 214. Section 8 Contract Renewals. Inserts language to limit the cost of section 8 contract renewals to the fair market rent (FMR) for the area, similar to language proposed by the House. In addition, language is added to make clear that the Secretary shall, at the request of the owner, renew expiring section 8 contracts for one year under the same terms and conditions as the expiring contract during fiscal year 1996. On October 1, 1996, additional expiring contracts will be subject to the local FMR. This language clarifies existing law with respect to renewal of these project-based subsidy contracts, and highlights the urgency of affirmative action by the authorizing committees in enacting legislation necessary to avoid loss of affordable housing and potential displacement of residents next fiscal year.

This section also amends the provisions of law requiring renewal of loan management setaside contracts to provide the Secretary the discretion to renew only that portion of expiring contracts necessary to avoid displacement of residents who have been previously assisted. Budgetary constraints will make continuing these rental subsidy contracts very difficult over the next several years and it is highly advisable that project owners reduce dependence on such project-based subsidies as such assisted residents voluntarily leave these developments.

Finally, this section amends the rental payment standards applicable to housing projects under section 236 of the National Housing Act to encourage the retention of working families in these developments by preventing rental charges in these projects which may exceed actual market rates in certain localities.

SEC. 215. Extension of Home Equity Conversion Mortgage Program. Extends demonstration through fiscal year 1996, increasing the maximum number of units insured from 25,000 to 30,000.

SEC. 216. Assessment Collection Dates for Office of Federal Housing Enterprise Oversight (OFHEO). Modifies OFHEO assessment collection dates to allow revenues to match the timing of expenditures.

SEC. 217. Merger Language for Assistance for the Renewal of Expiring Section 8 Subsidy Contracts and Annual Contributions for Assisted Housing. Merges the section 8 renewal account with annual contributions for assisted housing, as proposed by the House. This will allow a more accurate assessment of the ongoing commitment to affordable housing by the 104th Congress. More than 400,000 families will be assisted with funds provided under the Annual Contributions for Assisted Housing account in fiscal year 1996. Altogether, 4.5 million households will receive HUD assistance in fiscal year 1996.

SEC. 218. Debt Forgiveness. Inserts language to forgive public facilities loans in Hubbard and Groveton, Texas and Hepzibah, West Virginia. These loans were previously written off as uncollectible and will not increase the federal debt. In addition, the conferees direct the Department of Housing and Urban Development to work with the Rend Lake Conservacy District, Illinois, to resolve its indebtedness under the Public Facilities Loan program.

SEC. 219. Clarifications. Inserts language to clarify ''continuum of care'' requirements as applied to the Paul Mirabile Center in San Diego, California.

SEC. 220. Employment Limitations. Limits the number of Assistant Secretaries at the Department to 7, the number of schedule C employees to 77, and the number of non-career Senior Executive Service positions to 20. Such limitations are to be met by the end of fiscal year 1996.

SEC. 221. Use of Funds. Allows previously appropriated funds for Highland, California, and Toledo, Ohio, to be used in their respective communities for other purposes.

SEC. 222. Lead-based Paint Abatement. Amends eligible housing criteria under section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

SEC. 223. Extension Period for Sharing Utility Cost Savings with PHAs. Eliminates time restriction for sharing utility cost savings under section 9(a)(3)(B)(i) of the Housing Act of 1937.

SEC. 223A. Mortgage Note Sales. Extends for fiscal year 1996 mortgage sales under section 221(g)(4)(C)(viii) of the National Housing Act.

SEC. 223B. Repeal of Frost-Leland. This provision repeals section 415 of the VA, HUD, and Independent Agencies Appropriations Act for fiscal year 1988. The Dallas Housing Authority and the Housing Authority of the City of Houston may proceed with demolitions and revitalization of George Loving Place and Allen Parkway Village, respectively. In addition, the conferees have learned that the demolition of Allen Parkway Village, a large densely organized public housing project in Houston, Texas, which has been substantially vacant for over a decade, is being delayed by the section 106 process under the National Historic Preservation Act of 1966. The conferees believe that preservation of historic buildings is an admirable goal. However, the conferees do not believe that it is good policy to require the preservation of buildings unsuitable for modern family life at the expense of low income families in dire need of safe, decent, and affordable housing.

SEC. 223C. FHA Single-Family Assignment Program Reform. Reforms the assignment process of the Federal Housing Administration to reflect cost-savings achieved in the private sector for working out delinquent loans to avoid foreclosure and minimizing losses to the mortgage insurer.

SEC. 223D. Spending Limitations. (i) Property Insurance. The Department is in the process of promulgating regulations under the Fair Housing Act regarding discriminatory practices in property insurance activities. Certain courts have ruled upholding the application of the Fair Housing Act to property insurance. However, significant questions have been raised relative to HUD's jurisdiction in this regard, especially in light of the McCarran-Ferguson Act, which reserves to the States authority to regulate insurance matters, and the Fair Housing Act, which makes no mention of discriminating in providing property insurance.

Given the uncertainty and controversy over this issue, it is the consensus that this important issue should be promptly addressed by the legislative committees of jurisdiction.

(2) Prohibition on Penalties or Sanctions Against Communities That Adopt English as the Official Language. The conferees are concerned that communities across the United States feel it necessary to adopt State or local law or regulations to declare English the official language. While English ought to be an essential part of the American experience, the conferees do not oppose bilingual education and recognize the importance of such education efforts in order to meet the needs of an increasing population of immigrants and others, who in too many cases, are economically disadvantaged. The real need for Americans is to communicate fully with one another. To the extent English is chosen in individual communities as the main language, HUD ought not to punish or impose sanctions because of this action.

(3) Lobbying Prohibition. Prohibits funds provided under this Act from being used for purposes not authorized by the Congress.

(4) RESPA. The conference agreement does not include language prohibiting the expenditure of funds to promulgate regulations based upon the July 21, 1994 proposed rule on the Real Estate Settlement Procedures Act (RESPA). However, the conferees are concerned that HUD has been interpreting RESPA in a manner that may stifle competition and the development of innovative services in the settlement services industry. Before proceeding to finalize such rulemaking, the conferees urge the Department to seek additional guidance on this important issue from the appropriate authorizing committees.

(5) Land Use Regulations for Residential Care. Communities across the country have expressed serious concerns with fair housing law as it relates to their ability to review and implement and use regulations for residential care facilities. The conferees encourage the Department to work with the relevant authorizing committees to develop legislative remedies for these concerns as soon as possible.

SEC. 223E. Transfer of Functions to the Department of Justice. Language is inserted to transfer fair housing activities to the Department of Justice effective April 1, 1997. A similar provision was proposed by the Senate in amendment numbered 116. This transfer would include all responsibilities for fair housing issues, including administering the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP). This 18-month transition would give the Department of Justice adequate time to ensure a smooth transfer of all functions. Congress would also have an opportunity to review key implementation issues.

The conferees emphasize that the intent of this provision is not to minimize the importance of addressing housing discrimination in this nation; instead, the Department of Justice with its own significant (and primary) responsibilities to address all forms of discrimination represents the appropriate place to consolidate and to provide consistency in policy direction for the federal government to combat discrimination, including discrimination with regard to housing issues.

While many members of Congress are advocating the elimination of HUD, the transfer of HUD's fair housing programs to the Department of Justice will allow HUD to refocus on its primary responsibilities of providing housing and community development assistance. The larger issue of determining the fate of HUD is better suited for the authorizing committees of the House and Senate.

Amendment No. 59: Inserts language proposed by the Senate to prohibit the expenditure of funds under this Act for the investigation or prosecution under the Fair Housing Act of any otherwise lawful activity, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of achieving or preventing action by a Government official, entity, or court of competent jurisdication.

Amendment No. 60: Inserts language proposed by the Senate to prohibit the use of funds under this Act to take enforcement action under the Fair Housing Act on the basis of familial status and which involves an occupancy standards except under the occupancy standards established by the March 20, 1991 Memorandum from the General Counsel of HUD to all Regional Counsel, or until such time as HUD issues a final rule on occupancy standards in accordance with standard rulemaking.

Amendment No. 61: Inserts language proposed by the Senate to allow reconstruction or rehabilitation costs as eligible activities for the expenditure of Community Development Block Grant funds, not just reconstruction and rehabilitation costs in conjunction with acquisition costs.

Amendment No. 62: Deletes language proposed by the Senate requiring HUD to submit a report to Congress on the extent federal funds are used to facilitate the closing or substantial reduction of operations of a plant that result in the relocation or expansion of a plant from one state to another. Instead, conferees direct HUD to review available data on this issue and report to Congress the costs and benefits of establishing such a database.

TITLE III—INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

The conferees agree to provide $40,000,000 for the Consumer Product Safety Commission, a reduction of $4,000,000 from the budget request. The conferees direct the Commission to make the necessary reduction in expenditures from among operating expenses, including contract services, overhead accounts such as space, rent, telephone and travel and by delay in filling vacant positions.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to the amendment of the House with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For necessary expenses for the Corporation for National and Community Service in carrying out the orderly termination of programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103–82), $15,000,000; Provided, That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

COURT OF VETERANS APPEALS

The bill provides $9,000,000 for the Court of Veterans Appeals. The funding levels for this agency is not in conference because the recommended amount in the bill was identical as it passed both the House and the Senate. Because of concerns expressed with this level of funding, the conferees intend that the Committees on Appropriations review the benefits of the Court and how it can best operate in a constrained budget environment. It may be that the authorizing committees will also want to review these matters.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

Amendment No. 64: Appropriates $11,946,000 for salaries and expenses as proposed by the Senate, instead of $11,296,000 as proposed by the House.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Amendment No. 65: Appropriates $525,000,000 for science and technology activities instead of $500,000,000 as proposed by the Senate and $384,052,000 under research and development as proposed by the House. The research and development account as proposed by the House and stricken by the Senate is deleted and a new science and technology account is adopted in lieu thereof.

The new science and technology account has been created to begin the consolidation of all research related activities at EPA, including appropriate personnel and laboratory costs. The conferees note that Environmental Service Division (ESD) labs have not been brought under this account at this time, however, the Agency is expected to provide an analysis of whether ESD labs, as well as other research related activities,

should be included in this account in the fiscal year 1997 budget.

The conferees recognize that with the new account structure, EPA has additional flexibility to manage its resources. The conferees wish to make clear, however, that EPA is not to apply budgetary reductions disproportionately to contracts relative to the workforce. The agency must plan for further budgetary reductions anticipated in the outyears by gradually reducing its workforce, and the account structure is intended in part to ease the difficulties and disruption associated with downsizing the workforce. Any reprogramming of funds that become necessary throughout the fiscal year is to be made upon the notification and approval of the Committees on Appropriations.

The conferees are in agreement with the following changes to the budget request:

+$150,000,000 for research and development personnel costs transferred from the former program and research operations account.

+$35,000,000 for laboratory and facilities costs transferred from the former abatement, control, and compliance account.

+$500,000 for the National Urban Air Toxics Research Center.

+$2,500,000 for the Gulf Coast Hazardous Substance Research Center.

+$1,500,000 for the Water Environment Research Foundation.

+$2,500,000 for the American Water Works Association Research Foundation (AWWARF).

+$730,000 for continued study of livestock and agricultural pollution abatement.

+$1,000,000 for continuation of the San Joaquin Valley PM–10 study.

+$2,000,000 to continue research on urban waste management at the University of New Orleans.

+$1,500,000 for the Resource and Agricultural Policy Systems program at Iowa State University.

+$500,000 for oil spill remediation research at the Spill Remediation Research Center.

+$1,000,000 for research on the health effects of arsenic. In conducting this research, the Agency is strongly encouraged to contract with groups such as the AWWARF so that funds can be leveraged to maximize available research dollars.

+$1,000,000 for the Center for Air Toxics Metals.

+$1,000,000 for the EPSCoR program.

+$18,000,000 for research and development transferred from the hazardous substance superfund account, including $5,000,000 for the hazardous substance research center program. The conferees agree that most research being conducted under the Superfund account has application across media lines and thus should be carried forward in a manner consistent with all other Agency research and development activities. With this transfer, the conferees have included a total of $20,500,000 for Superfund research in the new science and technology account, including $2,500,000 for the Gulf Coast Hazardous Substance Research Center. This represents a further step in consolidating all agency research within this account. Should the amount provided for Superfund research be insufficient, the Committees on Appropriations would entertain an appropriate reprogramming request from the agency. The conferees expect EPA to conform its fiscal year 1997 budget submission to this account restructuring, including Superfund research.

−$69,200,000 from the Environmental Technology Initiative. Remaining funds in this program are to be used for technology verification activities, and the agency is expected to submit a spending plan for this activity as part of its annual operating plan.

−$31,645,700 from the Working Capital Fund included in the budget request. This new fund has not been approved for fiscal year 1996, however, the conferees are generally receptive to the philosophy behind the adoption of such a fund and expect to work closely with the agency throughout the fiscal year to develop a proposal for consideration for fiscal year 1997.

−$19,545,300 as a general reduction, subject to normal reprogramming guidelines

The conferees have deleted Senate bill language contained in amendment number 92 related to EPA research and development activities and staffing. However, the conferees agree that EPA has not provided adequate information to the Congress regarding its new Science to Achieve Results (STAR) initiative including its purpose; the effects it might have on applied research needed to support the agency's regulatory activities; the impact on current staffing, cooperative agreements, grants, and support contracts; whether STAR will duplicate the work of other entities such as the National Science Foundation; and how STAR relates to the strategic plan of the Office of Research and Development. Therefore, the agency is directed to submit by January 1, 1996 a report to address these issues. The report also should identify the amount of funds to be spent on STAR, and a listing of any resource reductions below fiscal year 1995 funding levels, by laboratory, from federal staffing, cooperative agreements, grants, or support contracts as a result of funding for the STAR program. No funds should be obligated for the STAR program until the Committees are in receipt of the report.

The conferees direct EPA to discontinue any additional hiring under the contractor conversion program in the Office of Research and Development (ORD) and provide to the Committees by January 1, 1996, a staffing plan for ORD indicating the use of federal and contract employees.

As part of the peer review process of research activities, the conferees expect ORD to place more reliance on oversight and review of its ongoing research by the Science Advisory Board. The conferees agree that better use of the Board in such an oversight and review role will greatly enhance the credibility of the ''science'' conducted by EPA in support of program activities.

Finally, the conferees note that funds deleted by the House for the Gulf of Mexico Program (GMP) have been fully restored. While the conferees thus support its continuation for fiscal year 1996, there nevertheless remain concerns regarding the current scope, cost, and long term direction the agency has planned for this program. Precious little information is presented through budget justifications in support of the GMP, yet it has enjoyed financial support through the EPA, as well as significant contributions from numerous other federal and state sources. The conferees expect the agency to perform a thorough study and evaluation of this program and its total expenditures, from all sources, and include such information in the fiscal year 1997 budget support documents.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Amendment No. 66: Appropriates $1,550,300,000 for environmental programs and management instead of $1,670,000,000 under program administration and management as proposed by the Senate and $1,881,614,000 under environmental programs and compliance as proposed by the House. The environmental programs and compliance account as proposed by the House and stricken by the Senate is deleted and a new account is adopted in lieu thereof.

The new account combines most of what were formerly the abatement, control, and compliance and program and research operations accounts, thus providing the Agency with increased flexibility to meet personnel and program requirements within the framework of reduced financial resources. As noted under the science and technology account, personnel and laboratory costs associated with research activities have been reduced from the budget request under the aforementioned two accounts. Additionally, state categorical grants proposed in the budget request under abatement, control, and compliance have been moved to the new state and tribal assistance grant account.

In addition to providing flexibility across program lines, the actions of the conferees in approving such structural changes also are due to the necessity of the agency to make substantial changes in the manner in which it carries out its mission. It must be recognized that there simply are not enough financial resources available to remedy every environmental problem that can be identified. Rather, EPA must develop serious priorities, using cost-benefit-risk analysis if appropriate, so that it can go about the task of accomplishing meaningful environmental goals in an orderly and systematic way. To this end, the old ''command and control'' approach must be discarded—in the Regions as well as in headquarters—and replaced with new methods that promote facilitation, compliance assistance, and federal-state-business partnerships coupled with financial leveraging. The agency's Common Sense Initiative and Project XL are excellent examples of such new methods, and the conferees strongly urge the agency to be more deliberate and aggressive in its move to foster these new, flexible partnerships and relationships with the states and with business without compromising the environmental goals set by the Congress and carried out by the agency. The conferees stand ready to assist the agency in its move in this new direction.

The conferees strongly support the recommendations made by the National Academy of Public Administration in ''Setting Priorities, Getting Results: A New Direction for EPA'' as outlined in both the House and Senate committee reports accompanying this bill. The conferees believe that monitoring the progress in implementing NAPA's recommendations, and evaluating the effectiveness of such initiatives as Project XL, performance partnerships, and the Common Sense Initiative to determine if these programs offer the country a significant improvement over traditional regulatory approaches is very important. The conferees direct EPA to propose to the Committees by February 15, 1996, how to evaluate these initiatives, the agency's progress in implementing NAPA's recommendations, and how changes in EPA's management systems and organizational structure encourage or inhibit these innovations. EPA should consider as part of its proposal a further involvement by NAPA or other outside parties in this evaluation.

The conferees are in agreement on the following changes to the budget request:

+$2,000,000 for the Southwest Center for Environmental Research and Policy.

+$1,600,000 for Clean Water Act sec. 104(g) wastewater operator training grants.

+$350,000 for the Long Island Sound office.

+$1,000,000 for the Sacramento River Toxic Pollutant Control program, to be cost shared.

+$1,000,000 for continuing work on the water quality management plan for the Skaneatles, Owasco, and Otisco Lake watersheds.

+$300,000 for the Cortland County, New York aquifer protection plan.

+$8,500,000 for rural water technical assistance activities.

+$500,000 for continuation of the Small Public Water Systems Technical Assistance Center at Montana State University.

+$300,000 for a feasibility study for the delivery of water from the Tiber Reservoir to Rocky Boy Reservation.

+$2,000,000 for the small grants program to communities disproportionately impacted by pollution.

+$1,000,000 for community/university partnership grants.

+$300,000 for the National Environmental Justice Advisory Council.

+$1,000,000 for ongoing Earthvision educational programs.

+$500,000 for ongoing programs of the Canaan Valley Institute.

+$900,000 for remediation of former and abandoned lead and zinc mining in Missouri.

+$250,000 for an evaluation of groundwater quality in Missouri where evidence exists of contamination associated with anthropological activities.

+$75,000 for the Rocky Mountain Regional Water Center's model watershed planning effort.

+$150,000 for the National Groundwater Foundation to continue ongoing programs.

+$500,000 to continue the methane energy and agricultural development demonstration project.

+$185,000 for the Columbia River Gorge Commission for monitoring activities.

+$1,000,000 for environmental review and basin planning for a sewer separation demonstration project for Tanner Creek.

+$300,000 to continue the Small Business Pollution Prevention Center managed by the Iowa Waste Reduction Center.

+$1,500,000 for the final year of the Alternative Fuels Vehicle Training program.

+$2,000,000 for the Adirondack Destruction program to assess the effects of acid deposition.

+$750,000 for the Lake Pontchartrain management conference.

+$750,000 to continue the solar aquatic waste water demonstration program in Vermont.

+$1,000,000 to continue the onsite waste water treatment demonstration through the small flows clearinghouse.

+$235,000 for a model program in the Cheney Reservoir to assess water quality improvement practices related to agricultural runoff.

+$500,000 to continue the coordinated model tribal water quality initiative in Washington State.

+$250,000 for the Ala Wai Canal watershed improvement project.

+$200,000 for the Sokaogon Cheppewa Community to continue to assess the environmental impacts of a proposed sulfide mine project.

+$2,000,000 for a demonstration program to remediate leaking above ground storage tanks in Alaska.

+$1,000,000 for the National Environmental Training Center for Small Communities.

+$500,000 for the Lake Champlain basin plan available for Vermont and New York.

+$31,645,700 for the Working Capital Fund transferred from the former research and development account. This fund has not been approved.

−$11,900,000 from low priority activities in the Office of Air and Radiation, except that no funds are to be reduced from the budget request for the WIPP compliance criteria or from the program activities associated with work at Yucca Mountain, Nevada.

−$2,600,000 from the Environmental Justice program, including the Partners in Protection Program.

−$47,000,000 from the Environmental Technology Initiative.

−$55,000,000 from Climate Change Action Plan programs. The conferees note that over $80,000,000 remains available for this program, an amount double that provided in fiscal year 1994. The agency is directed to terminate funding for programs which compete directly or indirectly with commercial business, including the Energy Star Homes Program.

−$12,000,000 from the Montreal Protocol Facilitation Fund.

−$405,000 from the Building Air Quality Alliance.

−$48,000,000 from low priority enforcement activities.

−$1,800,000 from low priority environmental education activities. The conferees urge the agency to ensure that other resources will be provided for the third and final year to carry out the environmental education grants program to minority institutions. In addition, the conferees expect the National Environmental and Training Foundation will be funded at the fiscal year 1995 level.

−$3,000,000 from low priority activities in the Office of International Activities.

−$350,000 from activities related to unauthorized research related to electromagnetic fields.

−$2,000,000 from the national service initiative.

−$1,000,000 from the GLOBE program.

−$25,000,000 from regional and state oversight activities.

−$81,474,300 from program office laboratory costs requested under the former abatement, control, and compliance and program and research operations accounts. As noted in the science and technology account, funds have been made available to continue funding these facilities under the new account structure agreed to by the conferees.

−$140,080,200 from Office of Research and Development personnel costs requested under the former program and research operations account. As noted in the science and technology account, funds have been made available to meet personnel requirements under the new account structure agreed to by the conferees.

−$683,466,200 from state and tribal categorical grants which have been transferred by the conferees from the former abatement, control, and compliance account to the new state and tribal assistance grants account.

−$166,786,000 as an undistributed general reduction throughout this restructured account, subject to the modified reprogramming procedures.

No legislative provisions as proposed by the House and stricken by the Senate have been included in this new account.

To provide the EPA with enhanced spending flexibility, the conferees have included language in the bill which makes funds available for expenditure for two years until September 30, 1997, and have agreed on reprogramming procedures for this account only, which permit reprogrammings below $500,000 without notice to the Committees, reprogrammings between $500,000 and $1,000,000 with notice to the Committees, and reprogrammings over $1,000,000 with approval of the Committees.

The conferees agree on the importance of the Environmental Finance Centers and expect that they be adequately supported. Similarly, the conferees direct that a grant for Sarasota County, Florida be provided from within funding for the National Estuary Program to support the implementation of the Sarasota Bay NEP Conservation and Management Plan. Finally, the conferees note that the Chesapeake Bay Program has been fully funded and expect that appropriate resources will be devoted to oyster reef construction in the Chesapeake.

The conferees urge EPA to work in a cooperative manner with the Commonwealth of Virginia to resolve issues concerning the state's proposed state implementation plan relative to title V of the Clean Air Act, and to receive the court's guidance before implementing section 502(b)(6) of the Act.

The conferees are in agreement that EPA should consider holding in abeyance the development of a proposed rule concerning a Sole Source Aquifer Designation for the Eastern Columbia Plateau Aquifer System in eastern Washington State, until all issues raised by the State are fully explored and resolved in a manner which meets the needs of all parties.

The conferees also remain concerned about reports filed earlier this year in Milwaukee, Wisconsin and other locations regarding illness alleged to be caused by the use of reformulated gasoline (RFG). While the conferees note that the scientific community has yet to make a direct link between such illness and the use of RFG, the conferees nevertheless expect the agency to continue its review of all available literature and data developed in response to this situation—including such information that may be developed during the winter of 1995–1996—and provide a determination of what additional studies or actions may be necessary to adequately monitor and address the situation.

The conferees are concerned about the interim policy statement on voluntary environmental self policing and self disclosure by the agency. The conferees believe that these state initiatives may prove to be valuable tools to increase compliance with environmental laws in their states. Therefore, the conferees urge EPA to work with the appropriate Committees of Congress to develop an appropriate policy concerning state environmental audit or self evaluation privilege or immunity laws.

As expressed in both House and Senate Committee reports accompanying H.R. 2099, there continues to be concern with EPA's proposed ''cluster rule'' for pulp and paper. The conferees urge EPA to appropriately address pollutants emitted at only de minimus levels, such as metals from pulping combustion sources, by using its existing authority to establish a de minimus exemption for such pollutants, or by establishing an emission threshold or level of applicability which would achieve a similar result.

Similarly, the conferees remain concerned about the direction taken by the agency with regard to the promulgation of a rule under TSCA to ban or regulate the use of acrylamide and n-methylolacrylamide (NMA) grouts. Such grouts are an important tool in the repair of sewer systems, and the loss of this tool would substantially impair the ability of municipalities to effect repairs of sewer systems without major and costly construction. The conferees strongly urge the agency to review its risk assessment and cost-benefit analysis and provide the appropriate committees of the Congress with all relevant updated information developed through this review, prior to moving forward in this matter.

The conferees agree that concerns raised by the House regarding the joint EPA/DOE Life Cycle Assessment program have been addressed adequately by the agency. Provided that the agency continues to coordinate the scope, application, and direction of the program with the private sector, the conferees do not object to the use of appropriations in the furtherance of this program.

The conferees are concerned with EPA's plans to expand the Toxics Release Inventory (TRI) to include toxics use data, despite the lack of specific authorization under the Emergency Planning and Community Right-to-Know Act. The conferees note that while

the legislation establishing the TRI (42 U.S.C. 11023) directs EPA to publish a uniform toxics chemical release form providing for the submission of data on ''the general category or category of use'' of a chemical, and the Pollution Prevention Act (42 U.S.C. 13101–13109) expanded the TRI by requiring that facilities filing such a release form include a source reduction and recycling report, Congress has not granted EPA the specific authority to expand the TRI to require the reporting of any mass balance, materials accounting, or other data on amounts of chemicals used by a reporting facility. The conferees urge EPA not to take final action to create a Toxics use Inventory until it seeks specific legislative authority to do so.

The conferees have agreed to delete a provision proposed by the House which prohibited the expenditure of funds to impose or enforce proposed rules under section 112(r) of the Clean Air Act and instead note their pleasure that EPA is considering amendments to the risk management plan list rule which address some of the concerns underlying the House amendment. The conferees remain concerned, however, that the status of natural gas processors may not be adequately addressed in these amendments. Arguments advanced to exempt exploration and production facilities from section 112(r) are equally applicable in the case of natural gas processing facilities, which are also remotely-located, uncomplicated, and often unmanned. Therefore, the conferees urge EPA to consider extending any clarification regarding exploration and production facilities to natural gas processors.

The conferees have also deleted language proposed by the House regarding the recently published maximum achievable control technology (MACT) rule for the petroleum refining industry. At both the House and Senate fiscal year 1996 budget hearings for the agency, held this spring, considerable testimony was taken on the issue of this refinery MACT. Although all parties agree that portions of this rule are acceptable and workable, testimony received at these hearings indicated that the agency drafted much of the rule relying on data that was as much as 15 years old, even when agency-acceptable three year old data was available. As the testimony itself revealed, drafting of MACT rules in this manner may not be consistent with the intent of the Congress in the passage of the Clean Air Act. In this regard, the conferees urge the agency to consider proposing appropriate amendments, using the latest data, to this rule so that the strongest, and fairest, MACT rule can be instituted.

Similarly, based on testimony received during the fiscal year 1996 budget hearings, the House had included bill language prohibiting the expenditure of funds to proceed with the so-called ''combustion strategy'' unless the agency followed its own regulatory guidelines. While the conferees have deleted this language they nevertheless remain concerned with the expenditure of funds by any agency in pursuit of a rulemaking which is in conflict with their own rules and procedures. In this instance, EPA has stated publicly that its use of applicable statutory authority must be accompanied by site-specific findings of risk in the administrative record supporting a permit and that any conditions are necessary to ensure protection of human health and the environment (56 Federal Register 7145). The conferees strongly urge the agency to fully comply with its own regulations in any invocation of omnibus permitting authority, and, in furtherance of their hearing records in this matter, direct EPA to report to the House and Senate Appropriations Committees as to how the agency intends to implement these requirements in connection with its ''Combustion Strategy.'' In this regard, it should be noted that the National Academy of Sciences is conducing currently a study on the health effects of waste combustion scheduled for completion in September 1996. To ensure that policies are based on the best up-to-date science and to incorporate appropriate Academy findings, the conferees believe the sensible approach would be to await the results of the study before finalizing a rule addressing the combustion of hazardous waste.

Given the importance of maintaining an adequate and wholesome food supply to ensure good public health, the Office of Pesticide Programs (OPP) is encouraged to take steps to retain the same level of funding and FTEs as has been provided in fiscal year 1995.

It is the intention of the conferees that the EPA avoid unnecessary or redundant regulation and minimize burdens on beneficial research and development of genetically engineered plants. The conferees note that both the National Research Council of the National Academy of Sciences and the World Health Organization have concluded that the application of recombinant DNA technology does not pose any unique risk to food safety or the environment. While the conferees acknowledge the basic regulatory requirements set forth under the Federal Insecticide, Fungicide and Rodenticide Act, the agency is urged to minimize the regulatory burden on the developers of products of such technology. Moreover, the agency should adopt risk based regulations or exemptions from regulations for small scale field testing of genetically engineered plants that are not dissimilar from those regulations set forth for the testing of other pesticides. The conferees expect EPA to report to the appropriate committees of the Congress by May 1, 1996 on any regulatory or trade burdens imposed by the agency through registration under the Federal Insecticide, Fungicide and Rodenticide Act on developers of genetically modified plants (including such burdens as have been identified by academic scientists performing research in the field, companies using biotechnology techniques, and others), as well as the agency's actions to reduce those burdens to levels commensurate with the risks.

Language with regard to an exemption from section 307(b) of the Federal Water Pollution Control Act, as amended, for the Kalamazoo Water Reclamation Plant, has been included. The conferees slightly modified the language as proposed by the Senate to require that treatment and pollution removal is equivalent to or better than that which would be required through a combination of pretreatment by an industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption.

The conferees expect the agency to promptly implement its partial response to a Citizen Petition filed September 11, 1992 regarding pesticide regulatory policies. Further, the conferees expect the agency promptly to complete its response to that Petition and another Citizen Petition filed July 10, 1995 in such a way as to minimize the unnecessary loss of pesticides that pose no more than a negligible risk to health or the environment.

Further, based on the possible risk to public health, EPA is strongly urged not to take action on the tolerance for ethylene oxide without first referring the results of the Ethylene Oxide Scientific Review Panel to the EPA Scientific Advisory Board. EPA shall then report to the Committees on the SAB's report and EPA's evaluation of that report.

Amendment No. 67: Deletes language proposed by the Senate making a technical change.

Amendment No. 68: Appropriates $28,500,000 for the Office of Inspector General instead of $28,542,000 as proposed by the House and $27,700,000 as proposed by the Senate. The conferees agree that the program level for the OIG will be $40,000,000, which includes transfers of $500,000 from the LUST trust fund and $11,000,000 from the hazardous substance superfund account.

Amendment No. 69: Appropriates $60,000,000 for buildings and facilities as proposed by the Senate instead of $28,820,000 as proposed by the House. Up to $33,000,000 of the amount made available is for completion of the Ft. Meade, Maryland/Region III lab facility. Remaining funds are for facility repair, maintenance and improvements, and for renovation of the new headquarters facility.

The conferees note that the lack of financial resources made it impossible to fund the first phase of new construction at Research Triangle Park. Nevertheless, the conferees acknowledge the demonstrated need for new or updated facilities consistent with the mission conducted at this important research facility. Prior to the submission of the fiscal year 1997 budget request, the agency is directed to provide a report to the Committees on Appropriations which includes realistic, cost-effective alternatives in addition to construction of a new facility.

HAZARDOUS SUBSTANCE SUPERFUND

Amendment No. 70: Deletes language proposed by the House and stricken by the Senate which provides that all appropriations for the hazardous substance superfund be derived from general revenues, and inserts language proposed by the Senate in lieu thereof which provides that a specific portion of the appropriation for the hazardous substance superfund be derived from the superfund trust fund as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986, as amended by P.L. 101–508, and the remainder be derived from general revenues as authorized by section 517(b) of the Superfund Amendments and Reauthorization Act of 1986, as amended by P.L. 101–508. For the hazardous substance superfund, $913,400,000 shall be derived from the trust fund, instead of $753,400,000 as proposed by the Senate, and $250,000,000 shall be derived from general revenues, as proposed by the Senate.

In addition, language is inserted providing a total of $1,163,400,000 for Superfund.

Amendment No. 71: Provides $11,000,000 for transfer to the Office of Inspector General instead of $5,000,000 as proposed by the House and $11,700,000 as proposed by the Senate.

Amendment No. 72: Provides $59,000,000 for the Agency for Toxic Substances and Disease Registry instead of $62,000,000 as proposed by the House and $55,000,000 as proposed by the Senate.

Amendment No. 73: Deletes language proposed by the House and stricken by the Senate which makes no funds appropriated under this account available for expenditure after December 31, 1995 unless the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is reauthorized.

Amendment No. 74: Inserts language proposed by the Senate, with a modification, which prohibits the expenditure of funds for the proposing for listing or the listing of sites on the National Priorities List (NPL) established by section 105 of CERCLA, as amended, unless the Administrator of the EPA receives a written request to place the site on the NPL from the governor of the state in which the site is located, unless CERCLA, as amended, is reauthorized. The

conferees note that this provision is consistent with the reduction in spending for Superfund pending reauthorization. Also, it reflects Congressional efforts to turn more responsibility for Superfund over to the States.

Amendment No. 75: Deletes language proposed by the Senate directing the funding of the Brownfields Economic Redevelopment Initiative at a level sufficient to complete the award of 50 cumulative Brownfields Pilots by the end of fiscal year 1996 and to carry out other elements of the Brownfields Action Agenda. The conferees are in agreement as to the importance of the Brownfields programs and direct the agency to provide financial assistance to local communities to expedite the assessment of Brownfields sites in order to ensure early remediation of these properties in conjunction with local economic development goals. The Brownfields initiative is to be funded at no less than the current level.

For the hazardous substance superfund program, the conferees have provided $1,163,400,000, and direct that the agency prioritize resources, to the greatest extent possible, on NPL sites posing the greatest risk. The conferees note that, based on figures supplied by EPA, this appropriation is more than sufficient to continue all scheduled work (including the completion of one work phase and the movement to the next) on all sites currently on the NPL, as well as deal adequately and appropriately with all emergency response needs. While the authorizing committees proceed with the reauthorization and reform of the Superfund program, something that literally all stakeholders endorse, the conferees felt it was inappropriate to place new sites on the NPL. However, EPA is directed to move forward with real clean-up actions in an improved, aggressive manner while minimizing overhead, personnel and other administrative costs. Additionally, the agency is directed to submit a detailed report to the Committees on Appropriations, prior to their respective fiscal year 1997 budget hearings, on the demonstrated improvements, if any, on reducing such overhead, personnel and other administrative costs.

Included in the appropriated level are the following amounts:

$800,379,000 for hazardous substance superfund response actions.

$125,076,000 for management and support, including $11,000,000 transferred to the Office of Inspector General and $3,076,000 for the Office of Air and Radiation.

$127,000,000 for enforcement.

$140,945,000 for interagency activities including $59,000,000 for ATSDR; $48,500,000 for NIEHS, of which $32,000,000 is for research and $16,500,000 is for worker training; $25,000,000 for the Department of Justice; $4,350,000 for the U.S. Coast Guard; $2,000,000 for NOAA; $1,100,000 for FEMA; $680,000 for the Department of the Interior; and $315,000 for OSHA.

The conferees have also agreed to an undistributed reduction of $30,000,000 from administrative costs and to a limit on administrative expenses of $275,000,000, subject to normal reprogramming procedures.

The conferees fully support the continuation of the ATSDR minority health professions cooperative agreement at the $4,000,000 funding level, as well as the continuation of adequate funding for the ATSDR health effects study on the consumption of Great Lakes fish. Similarly, the conferees note continued support for the Mine Waste Technology Program from within available funds at an FY 1996 level of $3,000,000.

As noted earlier, the authorizing committees are currently undertaking the reauthorization and reform of the Superfund program. While the conferees acknowledge that honest disagreements exist as to the shape such reform should take, there nevertheless are many things the agency can and should be doing now within the context of reform that amount to nothing more than good government.

One such area of concern to the conferees is that of proper notification by the agency of persons of potential liability for facilities on the NPL. Potentially responsible parties (PRPs) have a reasonable expectation to be notified by the EPA in a timely manner and within a time frame that permits participation in remedy selection and execution. In particular, it is inequitable and unconscionable for the agency to identify a PRP without the means to effectively participate in remedy selections and execution and then, after the remedy has been substantially completed, to attempt to identify other parties to pay for the remedial activity. PRP's should be identified as soon as practicable to allow all potentially interested parties to bring their individual expertise and resources to bear on a commonly identified remedy and to fully participate in the remediation of an NPL site if they are expected to bear the expense of the activity. The conferees expect the agency to review all of its activities to determine the extent to which such situations have occurred and, in conjunction with the Department of Justice, make every effort to remedy such actions in a non-confrontational, non-litigious manner.

Amendment No. 76: Limits administrative expenses for the leaking underground storage tank trust fund to $7,000,000, instead of $5,285,000 as proposed by the House and $8,000,000 as proposed by the Senate.

Amendment No. 77: Provides $500,000 for transfer to the Office of Inspector General instead of $426,000 as proposed by the House and $600,000 as proposed by the Senate.

Amendment No. 78: Appropriates $15,000,000 for oil spill response as proposed by the Senate instead of $20,000,000 as proposed by the House.

Amendment No. 79: Limits administrative expenses for oil spill response to $8,000,000 as proposed by the Senate instead of $8,420,000 as proposed by the House.

STATE AND TRIBAL ASSISTANCE GRANTS

Amendment No. 80: Appropriates $2,323,000,000 for state and tribal assistance grants, instead of $2,340,000,000 as proposed under program and infrastructure assistance by the Senate, and instead of $1,500,175,000 as proposed under water infrastructure/state revolving funds by the House. The water infrastructure/state revolving fund account proposed by the House and stricken by the Senate and the program and infrastructure assistance account proposed by the Senate are deleted, and the new state and tribal assistance grant account is adopted in lieu thereof.

The conferees have agreed to the creation of this new account, within the structure proposed by the Senate, so as to enhance the Agency's ability to provide performance partnerships, or block grants, to the states and tribal governments. Language creating the performance partnership program and language permitting the Administrator to make multi-media environmental grants to recognized tribal governments, has been included. Language which clarifies that the funds for a grant to the City of Mt. Arlington, New Jersey, appropriated in P.L. 103–327 in accordance with House Report 103–715, were intended for water and sewer improvements, has also been included. Finally, the conferees have included language proposed by the Senate which would allow a portion of the funds appropriated for the construction grants program in fiscal year 1992 and thereafter, under the Clean Water Act for construction grants and special projects, to be used by States for the purposes of administering the completion or closeout of any remaining such projects. States will be required to reimburse the grant recipient from other State funds available to the State to support construction activities.

From within the appropriated level, the conferees agree to the following amounts:

$1,125,000,000 for wastewater capitalization grants.

$275,000,000 for safe drinking water capitalization grants, available only upon authorization and only if such authorization occurs by June 1, 1996. If no such legislation becomes law prior to June 1, 1996, appropriated funds immediately become available for wastewater capitalization grants to the states and tribal governments.

$225,000,000 for safe drinking water capitalization grants, made available from funds provided in P.L. 103–327 and P.L. 103–124, subject to authorization prior to June 1, 1996. If no such authorization for safe drinking water capitalization grants occurs prior to this date, such funds are to be available for wastewater capitalization grants.

$100,000,000 for architectural, engineering, design and construction related activities for high priority water and wastewater facilities near the United States-Mexico border.

$50,000,000 for cost shared grants to the State of Texas (Colonias).

$15,000,000 for grants to Alaska, subject to cost share requirements, for rural and Alaska Native Villages.

$658,000,000 for state and tribal categorical grants through traditional grants procedures as well as through the performance partnership program. The conferees note this is virtually identical to the fiscal year 1995 level. The conferees agree that such funds are available in unspecified amounts for the following specific programs:

Non-point source pollution grants under section 319 of the Federal Water Pollution Control Act (FWPCA), including appropriate activities under the Clean Lakes program; water quality cooperative agreements under section 104(b)(3) of FWPCA; public water system supervision grants under section 1443(a) of the Public Health Service Act; air resource assistance to State, local and tribal governments under section 105 of the Clean Air Act; radon state grants; control agency resource supplementation under section 106 of FWPCA; wetlands program implementation; underground injection control; pesticide program implementation; lead grants; hazardous waste financial assistance; pesticides enforcement grants; pollution prevention; toxic substances enforcement grants; Indians general assistance grants; and, underground storage tanks. The conferees expect the agency to consult with the Committees on Appropriations and with the states prior to the determination and reporting of the amounts allocated for each of these areas.

The conferees agree that Performance Partnership Grants are an important step to reducing the burden and increasing the flexibility that state and tribal governments need to manage and implement their environmental protection programs. This is an opportunity to use limited resources in the most effective manner, yet at the same time, produce the results-oriented environmental performance necessary to address the most pressing concerns while still achieving a clean environment. As part of the implementation of this program, the conferees agree that no reprogramming requests associated with States and Tribes applying for Performance Partnership Grants need to be submitted to the Committees on Appropriations for approval should the reprogrammings exceed the normal reprogramming limitations.

From within the amount appropriated for wastewater capitalization grants, $50,000,000 is to be made available for wastewater grants to impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the House of Representatives on May 16, 1995. The conferees expect the Agency to closely monitor state compliance with this provision to assure that funds are obligated appropriately and in a timely manner. Unused funds allocated for this purpose are to be made available for other wastewater capitalization grants.

$100,000,000 for the following special assistance grants in the following amounts:

$39,500,000 for special projects as requested in the budget submission, including $25,000,000 for Boston Harbor, $10,000,000 for the City of New Orleans, $3,000,000 for Fall River and $1,500,000 for New Bedford.

$5,000,000 for alternative water source projects in West Central Florida.

$1,750,000 for wastewater infrastructure improvements including $1,500,000 for Manns Choice, Bedford County, Pennsylvania, and $250,000 for Taylor Township, Blair County, Pennsylvania.

$11,625,000 for continuing clean water improvements at Onondaga Lake.

$11,625,000 for continuation of the Rouge River National Wet Weather project.

$22,000,000 for continuation of the Mojave Water Agency groundwater research project.

$2,500,000 for the refurbishment and construction of sanitary and storm sewer systems in Ogden, Utah.

$6,000,000 for wastewater facility improvements in the vicinities of Peter Creek ($3,000,000), East Bernstadt/Pittsburg ($2,500,000), and Vicco (500,000), Kentucky.

Amendment No. 81: Inserts a heading as proposed by the Senate and deletes language proposed by the Senate regarding the adoption or implementation of an inspection and maintenance program pursuant to section 182 of the Clean Air Act. The conferees note that this issue has recently been considered in a conference of authorization committees and therefore has become unnecessary to pursue in the context of this legislation.

Amendment No. 82: Deletes language proposed by the Senate regarding the limitation of funds available to impose or enforce trip reduction measures pursuant to the Clean Air Act. The conferees note that this issue recently has been considered in a conference of authorization committees and therefore has become unnecessary to pursue in the context of this legislation.

Amendment No. 83: Inserts language similar to that proposed by the Senate which prohibits the expenditure of funds for the signing or publishing for promulgation of a rule concerning new drinking water standards for radon only. The conferees note that this language is identical to that contained in this Act for each of the last two fiscal years.

Amendment No. 84: Inserts language proposed by the Senate which prohibits the expenditure of funds to sign, promulgate, implement, or enforce certain requirements regarding the regulation for a foreign refinery baseline for reformulated gasoline.

Amendment No. 85: Inserts language proposed by the Senate which prohibits the expenditure of funds to implement section 404(c) of the Federal Water Pollution Control Act, as amended, and which stipulates that no pending actions to implement section 404 (c) with respect to individual permits shall remain in effect after the date of enactment of this Act.

Amendment No. 86: Deletes language proposed by the Senate regarding an exemption of section 307(b) of the Federal Water Pollution Control Act, as amended, for the Kalamazoo Water Reclamation Plant. Similar language has been included under the environmental programs and management account in Amendment No. 66.

Amendment No. 87: Deletes language proposed by the Senate prohibiting the expenditure of funds to enforce section 211(m)(2) of the Clean Air Act in a nonattainment area in Alaska. Similar language is included in amendment number 88.

Amendment No. 88: Inserts language proposed by the Senate which prohibits the expenditure of funds to implement the requirements of section 186(b)(2), or sections 187(b) or 211(m) of the Clean Air Act for any moderate nonattainment area for which the average daily winter temperature is below 0 degrees Fahrenheit.

Amendment No. 89: Deletes language proposed by the Senate which directs EPA to give priority assistance to small business concerns under section 3(a) of the Small Business Act in its Energy Efficiency and Supply programs, study the feasibility of establishing fees to recover the costs of such assistance, and provide a certain level of funding to support participation in the Montreal Protocol and climate change action plan programs.

The conferees note that the budget for EPA's ''green programs'' has grown substantially over the past several years. Such growth cannot be sustained within the confines of an increasingly constrained budget. There is no disagreement that the green programs have enabled many companies to improve their profitability by installing energy efficient technologies. While it may be appropriate for the federal government to provide technical assistance to organizations which would not otherwise have the resources to make appropriate investment decisions on energy efficient technologies, such as small businesses, large corporations can and should make such investment decisions without federal assistance. The conferees agree that EPA is to undertake a study to determine the feasibility of establishing fees to recover all reasonable costs incurred by EPA for assistance rendered businesses in its Energy Efficiency and Energy Supply program, as described in the Senate amendment.

Amendment No. 90: Deletes language proposed by the Senate which would prohibit final regulatory action under the Toxic Substances Control Act restricting the manufacturing, processing, distributing or use of lead, zinc, or brass fishing sinkers or lures, unless the risk to waterfowl cannot be addressed through alternative means. The conferees are extremely concerned that EPA continues to ignore the importance of allocating its budget to those activities which provide for the greatest reduction in risk. EPA has pursued activities which may have exceeded the agency's legal authority in the regulation of lead by seeking to regulate lead uses that pose no significant risks to human health or the environment, such as EPA's proposal to ban the manufacture and distribution of lead fishing sinkers. The agency's proposal presented little credible evidence to suggest that lead fishing sinkers are threatening to human health or waterfowl populations. The conferees expect EPA to engage in activities which maximize the use of its resources to achieve public health and environmental benefits, and therefore believe EPA should not pursue this rulemaking.

Amendment No. 91: Deletes language proposed by the Senate which directs the investigation and report on the scientific basis for EPA's public recommendations with respect to indoor radon and other naturally occurring radioactive materials. The conferees direct EPA to enter into an arrangement with the National Academy of Sciences to investigate and report on the scientific basis for EPA's recommendations relative to indoor radon and other naturally occurring radioactive materials (NORM). The Academy is to examine EPA's guidelines in light of the recommendations of the National Council on Radiation Protection and Measurements and other peer-reviewed research by the National Cancer Institute, the Centers for Disease Control, and others. The Academy shall summarize the principal areas of agreement and disagreement among these bodies and shall evaluate the scientific and technical basis for any differences that exist. EPA is to submit this report to the appropriate committees of Congress within 18 months of the date of enactment of this Act, and state its views on the need to revise the guidelines for radon and NORM in light of the Academy's evaluation. The agency also shall explain the technical and policy basis for such views.

Amendment No. 92: Deletes language proposed by the Senate regarding implementation of the Science to Achieve Results (STAR) program and restricting the hire of new staff positions under the contractor conversion program. The STAR and contractor conversion issues have been addressed under amendment number 65.

Amendment No. 93: Inserts language which provides necessary expenses to continue the functions of the Council on Environmental Quality and Office of Environmental Quality as proposed by the Senate, instead of language proposed by the House and stricken by the Senate to carry out the orderly termination of the CEQ.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 94: Appropriates $222,000,000 for disaster relief instead of $235,500,000 as proposed by the House and no funds as proposed by the Senate. The conferees note that the 1995 supplemental appropriation for disaster relief, totaling over $6,500,000,000 coupled with available unobligated appropriations, should be more than adequate to meet all current and expected disaster requirements. Should an FY 1996 supplemental be necessary, the conferees would expect to respond and make such appropriations available in a timely manner.

The conferees note that with the passing of the 1995 hurricane seasons, there is confusion surrounding FEMA's determination of whether beach erosion under different conditions is eligible for assistance under the Stafford Act. While the Code of Federal Regulations certainly provides clear understanding of the rules by which FEMA operates, there nevertheless exists questions as to the legal underpinnings of this regulation. To help clarify the issue and avoid future controversy, the agency is directed to report within 45 days of enactment of this Act on the legal basis for this regulation and on the possible alternatives that exist to maximize mitigation and assistance efforts within the constraints of available financial resources.

The conferees have been made aware of an unfortunate situation following the Northridge Earthquake whereby, based on assurances made by FEMA field agents, significant financial resources were spent or obligated to make appropriate repairs of buildings deemed eligible for assistance. Over a year following those assurances, a determination that such expenses were not eligible was received form FEMA headquarters, including a request for reimbursement of spent funds. As FEMA fully acknowledges that their erroneous assurance of assistance is the genesis of this problem, the conferees direct FEMA to make every effort to remedy this situation through appropriate administrative procedures.

Amendment No. 95: Appropriates $168,900,000 for salaries and expenses as proposed by the Senate instead of $162,000,000 as proposed by the House.

Amendment No. 96: Appropriates $4,673,000 for the Office of the Inspector General as proposed by the Senate instead of $4,400,000 as proposed by the House.

Amendment No. 97: Deletes reference to the Federal Civil Defense Act, as amended, with respect to activities under the emergency management planning and assistance account. This is a technical deletion as activities under this Act have been superseded by other Acts. The conferees have included language under amendment number 114 requested by FEMA in a budget amendment that would direct FEMA to sell its costly inventory of trailer/mobile homes which in the past have been used to meet temporary housing needs of some disaster victims. The costs of transporting these trailers to a disaster site, as well as the costs of necessary refurbishment upon return to inventory, far exceed the benefits provided by the trailers. More important, FEMA believes the important needs of emergency housing can be met in less expensive yet more appropriate ways. In making these sales, FEMA is directed to maximize receipts and minimize expenses to the greatest extent possible.

Within the overall appropriation, the conferees have included $950,000 for earthquake hazard research and mitigation activities at Metro and DOGAMI; $1,000,000 for a statewide and regional hurricane proof evacuation shelter directory for the states of Texas, Louisiana, Mississippi, Alabama, Florida, Arkansas, and Georgia; and $4,000,000 in additional funds for state emergency management assistance (EMA) grants. FEMA is expected to reduce its underground storage tank program to offset these additional EMA grants. The remaining funds necessary to meet these additional expenses should be proposed through normal reprogramming procedures.

The conferees note that FEMA has funded certain planning positions in State emergency management agencies at 100 percent during fiscal year 1995. The conferees direct the agency to continue funding these positions at this same level during 1996, but also expect the agency to make appropriate plans during the fiscal year, including notifying the States if necessary, to reduce the federal share to no more than 50 percent for fiscal year 1997 and beyond.

Amendment No. 98: Appropriates $100,000,000 for emergency food and shelter as proposed by the House instead of $114,173,000 as proposed by the Senate.

Amendment No. 99: Deletes language proposed by the House and stricken by the Senate which prohibits the expenditure of funds for any further work on effective Flood Insurance Rate Maps for certain areas in and around the City of Stockton and San Joaquin County, California. The conferees are aware that the City of Stockton and San Joaquin County, California are restoring existing levee systems that a FEMA flood hazard restudy has determined no longer meet FEMA's minimum flood protection standard. The conferees are also aware that the City and County have recently filed an appeal regarding the determination by that study and were thus satisfied that, just as with bill language, the duration of the appeal would provide the opportunity to fully and properly deal with this important matter. The conferees therefore direct FEMA to thoroughly analyze the appeal and develop alternatives that will lead to a resolution of this situation prior to the conclusion of the appeal process.

The Members of Congress, local officials, and private citizens who have addressed this issue all wish to achieve a result that will not hinder the economic development of the area while, at the same time, ensuring the safety and health of all residents. The conferees share this goal. The National Flood Insurance Program (NFIP), a community-participation program, has a history of cooperation with local governments that spans more than two decades. During this time, a great deal of development has taken place in mapped areas in thousands of communities across the country. Therefore, to assist the City and County in guiding new development, the conferees direct FEMA to first assist by approximating the study flood hazard areas identified on the preliminary Flood Insurance Rate Maps (FIRM's) based on FEMA's restudy. FEMA also is directed to consult with the City and County to ensure that the design and construction for the restored levees will satisfy the criteria for accrediting those structures on FIRMs that will become effective six months after all appeals are fully resolved. Further, the conferees direct FEMA to revise the FIRMs at the earliest date possible to reflect accredited improvements to the levee systems as they are completed.

The conferees note that no funds have been included to produce Flood Rate Insurance Directories (FRIDs) or to sell flood insurance directly to the public. While the conferees support FEMA's effort to increase the use of federal flood insurance, such sales should continue through normal private commercial activity. The conferees are also in agreement that FEMA should make no effort to suspend, revoke, or limit the participation of St. Charles County, Missouri in the National Flood Insurance program because of the permitting of levee improvements to publicly sponsored levee districts.

Finally, the conferees agree the FEMA should conduct a pilot project of a working capital fund during fiscal year 1996, and report on the outcome of the pilot periodically throughout the course of the fiscal year.

General Services Administration

CONSUMER INFORMATION CENTER

Amendment No. 100: Provides for a change in the administrative expenses limitation to $2,602,000 as proposed by the Senate instead of $2,502,000 as proposed by the House.

The conferees agree to an increase in the administrative expenses limitation for the Consumer Information Center to reflect the increased responsibilities of the Center as it takes on efforts previously assigned to the Office of Consumer Affairs.

Department of Health and Human Services

OFFICE OF CONSUMER AFFAIRS

Amendment No. 101: Appropriates no funding for the Office of Consumer Affairs, as proposed by the Senate instead of $1,811,000 as proposed by the House.

The conferees agree to the Senate position to delete all funding for the Office of Consumer Affairs. The conferees agree that the functions of producing the Consumer Resources Handbook and organizing the Constituent Resource Exposition are to be transferred to the Consumer Information Center. Language is included in the bill to facilitate the transfer of personnel and responsibilities associated with closure of this office.

National Aeronautics and Space Administration

HUMAN SPACE FLIGHT

Amendment No. 102: Appropriates $5,456,600,000 for Human Space Flight, instead of $5,449,600,000 as proposed by the House and $5,337,600,000 as proposed by the Senate.

The conference agreement reflects the following change from the budget request:

A reduction of $53,000,000 to reflect savings which accrue from the closure of the Yellow Creek Facility at Iuka, Mississippi.

The conferees believe that savings are achievable in shuttle operations when the recommendations called for in the Kraft report on shuttle operations are implemented. The conferees are encouraged that NASA has begun to aggressively implement the recommendations and look forward to seeing the financial savings materialize while maintaining safe shuttle operations.

NASA INDUSTRIAL PLANT, DOWNEY

The conferees are aware of ongoing discussions between NASA, Rockwell International, and officials of the City of Downey, California, regarding possible disposition of NASA real property at the NASA Industrial Plant, Downey. The conferees understand that this planning effort could culminate in a proposal for disposition of NASA real property at the Downey site which may: consolidate Space Shuttle engineering activities, thereby reducing annual Government operations costs; possibly produce proceeds to the U.S. Treasury from transfer of portions of the NASA real property; and make available portions of the real property for commercial/industrial use. The conferees direct that NASA report to the Committees on Appropriations on progress in this disposition planning effort, including any potential economic benefits to the Government, by February 1, 1996.

TERMINATION LIABILITY

The conferees fully support deployment of the space station but recognize the funds appropriated by this Act for the development of the space station may not be adequate to cover all potential contractual commitments should the program be terminated for the convenience of the Government. Accordingly, if the space station is terminated for the convenience of the Government, additional appropriated funds may be necessary to cover such contractual commitments. In the event of such termination, it would be the intent of the conferees to provide such additional appropriations as may be necessary to provide fully for termination payments in a manner which avoids impacting the conduct of other ongoing NASA programs.

Amendment No. 103: Deletes House language delaying the availability of $390,000,000 for Space Station until August 1, 1996.

SCIENCE, AERONAUTICS AND TECHNOLOGY

Amendment No. 104: Appropriates $5,845,900,000 for Science, Aeronautics and Technology, instead of $5,588,000,000 as proposed by the House and $5,960,700,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget request:

A general reduction of $33,000,000 to be distributed in accordance with normal reprogramming procedures.

A reduction of $13,700,000 from the budget request for the Stratospheric Observatory for Infrared Astronomy (SOFIA). The reduction will leave $35,000,000 in fiscal year 1996 to begin this program to replace the Kuiper Airborne Observatory.

An increase of $51,500,000 for the Gravity Probe-B program which was not included in the budget request.

A decrease of $5,000,000 for the Space Infrared Telescope Facility, leaving $10,000,000 to begin this effort. NASA is directed to provide no additional funding for this effort unless specifically approved by the House and Senate Committees on Appropriations.

The conferees agree to provide $20,000,000 for initiation of the Solar-Terrestrial Probes program. The funding includes $15,000,000 to begin the TIMED mission and $5,000,000 for design studies of the inner magnetospheric imager.

The conference agreement includes an additional $3,000,000 for the university explorer

program to develop small, inexpensive spacecraft for astronomy and space physics missions.

A general reduction of $20,000,000 for Life and Microgravity Science. The reduction is not to be taken against any space station programs. NASA should develop a plan that accommodates the budget decrease while minimizing its impact on the early scientific return from space station operations. This plan should emphasize how NASA will ensure the quality of the science it will conduct and maximize the value of the results it obtains from the early utilization of space station.

An increase of $4,500,000 is provided for space radiation research in accordance with direction contained in House report 104–201.

Within Mission to Planet Earth, the conference agreement contains a reduction of $6,000,000 for the Consortium for International Earth Sciences Information Network. The conferees agree that the Consortium and NASA are free to pursue programmatic options under existing contracts between CIESIN and NASA and the Consortium is not precluded from competing for future contracts with NASA. A further reduction of $75,000,000 is to be distributed in accordance with normal reprogramming guidelines. The conferees are in agreement on the following:

NASA should work with the Department of Agriculture to ensure that remote sensing data collected through this program will be better used for agriculture and resource management;

From within the funds for Mission to Planet Earth, NASA is urged to provide for continued development and refinement of visualization techniques and capabilities currently underway through the Jet Propulsion Laboratory to incorporate remotely sensed data and information into formal informational and educational programs;

From within the available funding, $5,000,000 should be used toward full development of a windsat mission;

Any restructuring of the Earth Observing System Data Information System which may result from the recently issued National Academy of Sciences report should be implemented in such a manner as to minimize counterproductive disruptions at the Marshall Space Flight Center.

A general reduction of $30,000,000 to the Aeronautical Research and Technology portion of the budget to be distributed in accordance with normal reprogramming guidelines. The conferees note that NASA and the FAA have recently established a mechanism to coordinate their efforts toward an advanced air traffic management system. While the House reduced the budget request by $20,000,000 because such an agreement had not yet been reached, the conferees believe some reduction in funding is still achievable and the program is not exempt from the general reduction. Likewise, the conferees do not intend that the entire reduction be applied against the High Performance Computing and Communications (HPCC) program, nor is the program exempt from reduction. The conferees recognize the national interest served by providing the public access to earth and space images and data through a national information infrastructure and strongly support funding to carry out such NASA educational and public outreach activities funded in the HPCC account.

Within the Space Access and Technology portion of the account, a reduction of $7,000,000 from the Clean Car program, a reduction of $21,300,000 for the Earth Applications systems to return the program to the fiscal year 1995 funding level, an increase of $3,000,000 for commercial space activities to be used only as provided for in authorizing legislation, an increase of $4,500,000 for a rural state technology transfer center as provided for in authorizing legislation. The conference agreement deletes without prejudice the increase of $20,000,000 proposed by the Senate for development of the reusable launch vehicle (X–33). Nonetheless, the conferees have significant concerns over the current funding profile for this ambitious developmental effort in that amounts proposed for the initial years may not be adequate to resolve technical design and engineering issues necessary to support scheduled investment decisions by private industry. The conferees are very supportive of this innovative public-private partnership in developing a more efficient and commercially viable launch system and direct NASA to conduct a re-examination of the current funding profile, including amounts recommended for the remainder of fiscal year 1996. The conferees expect NASA to submit its findings and recommendations in this regard in a report to accompany its justifications for the fiscal year 1997 budget, and to request a reprogramming, if necessary, to optimize initial developmental efforts during the balance of the current year.

A general reduction of $20,000,000 for the mission communications program, to be distributed in accordance with established reprogramming procedures.

A general reduction of $16,500,000 for Academic Programs, leaving funding at the fiscal year 1995 level. The conferees urge NASA to consider funding the Discovery Center project and the Rural Teacher Resource Center. These projects are aimed at significantly enhancing science, educational, and outreach services for an underserved region of the county. The Oregon State System for Higher Education is developing a network infrastructure for advanced technology research and education utilizing high speed and high capacity communications systems with a prior year grant of funds from NASA under its academic programs activity. The conferees understand that this project has received substantial industry contributions, however, some additional federal support may be necessary to facilitate the acquisition of equipment and for space modifications. NASA is urged to give priority consideration to assisting in the prompt completion of this important initiative.

MISSION SUPPORT

Amendment No. 105: Appropriates $2,502,200,000 for Mission Support, instead of $2,618,200,000 as proposed by the House and $2,484,200,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget request:

A decrease of $125,000,000 in salaries and related expenses resulting from the voluntary retirement of individuals during fiscal year 1995 which had not been anticipated when the fiscal year 1996 budget was submitted.

A general reduction of $25,000,000 from research and operations support, subject to reprogramming guidelines.

A reduction of $50,000,000 from space communications, to be applied at the agency's discretion to reprogramming guidelines.

A reduction of $24,000,000 from construction of facilities. The conferees agree that NASA may use excess fiscal year 1994 funding, particularly identified excess planning and design funds, to satisfy fiscal year 1996 requirements.

Amendment No. 106: Deletes House administrative provision regarding leasing of contractor funded facilities where such lease would amortize the contractor investment unless specifically approved in appropriations Act.

Amendment No. 107: Adds Senate language to the House administrative provision regarding transfer of facilities at Iuka, Mississippi. The new language will direct that any Federal entity having previous contact with the site will have responsibility for environmental remediation.

Amendment No. 108: Deletes House administrative provision directing a study of closing or re-structuring NASA flight operations and research centers. The conferees agree to the Senate report language requesting periodic progress reports on the implementation of recommendations contained in the NASA zero-based review.

Amendment No. 109: Deletes Senate administrative provision delaying the availability of $390,000,000 for Space Station until August 1, 1996. Adds an administrative provision providing up to $50,000,000 of transfer authority for use at the discretion of the Administrator.

The conferees have agreed to include an administrative provision providing transfer authority to the National Aeronautics and Space Administration to deal with unforeseen emergencies. To ensure that there is no adverse effect on any NASA program, the conferees have included general transfer authority of up to $50,000,000 to be used at the discretion of the Administrator subject to the case-by-case approval by the House and Senate Appropriations Committees.

NATIONAL SCIENCE FOUNDATION

Amendment No. 110: Appropriates $2,274,000,000 for Research and Related Activities, instead of $2,254,000,000 as proposed by the House and $2,294,000,000 as proposed by the Senate.

The conferees agree that the reduction within the Research and Related Activities account should be allocated by the National Science Foundation in accordance with its internal procedures for resource allocation, subject to approval by the House and Senate Committees on Appropriations.

U.S. ANTARCTIC PROGRAM

The conferees agree with the Senate report language calling for a government-wide policy review of the U.S. presence in the Antarctic to be conducted by the National Science and Technology Council and reiterate that such a review must include all program participants, including the Department of Defense. The review should be completed and submitted to the Congress no later than March 31, 1996.

OPTICAL AND INFRARED ASTRONOMY

The conferees recognize the need for the National Science Foundation to support modernizing the research infrastructure in astronomy and other disciplines. The conferees are equally supportive of the flexible matching requirements employed by the Foundation in its Academic Research Infrastructure program and expect they will be continued in fiscal year 1996.

Amendment No. 111: Deletes language proposed by the Senate to fund fair housing activities under the Department of Justice. Language transferring such functions, with delayed implementation of April 1, 1997 is included under fair housing activities under title II of this Act.

Amendment No. 112: The Senate bill contained a provision moving the Office of Federal Housing Enterprise Oversight (OFHEO), which is the financial safety and soundness regulator of Fannie Mae and Freddie Mac (collectively, ''GSEs''), from the Department of Housing and Urban Development of the Department of the Treasury. The conference agreement does not contain this provision. Nevertheless, the conferees want to emphasize the seriousness with which they view the underlying Senate provision.

In particular, the primary function of OFHEO is to issue risk-based capital standards to ensure the safety and soundness of

the GSEs, and that these standards, as yet unissued, were to be finalized by November 28, 1994. The conferees urge OFHEO to refocus its emphasis from lower priority activities, such as participation in conferences and political forums, to financial examinations and the development of final risk-based capital standards.

TITLE V—GENERAL PROVISIONS

Amendment No. 113: Makes technical language change.

Amendment No. 114: Deletes language proposed by the House and stricken by the Senate regarding contractor conversions at the Environmental Protection Agency. Additional language relative to this matter is included in amendment numbered 65.

Inserts language directing FEMA to sell surplus mobile homes/trailers from its inventory. Additional information on this matter is discussed under amendment numbered 97.

Amendment No. 115: Inserts language proposed by the Senate which allows the use of other funds available to the Department of Health and Human Services to facilitate termination of the Office of Consumer Affairs. This matter is also mentioned in amendment numbered 101.

Amendment No. 116: Deletes language proposed by the Senate regarding energy savings at Federal facilities.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$89,920,161,061
Budget estimates of new (obligational) authority, fiscal year 1996	89,869,762,093
House bill, fiscal year 1996	79,697,360,000
Senate bill, fiscal year 1996	81,009,212,000
Conference agreement, fiscal year 1996	80,606,927,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−9,313,234,061
Budget estimates of new (obligational) authority, fiscal year 1996	−9,262,835,093
House bill, fiscal year 1996	+909,567,000
Senate bill, fiscal year 1996	−402,285,000

JERRY LEWIS,
TOM DELAY,
BARBARA F. VUCANOVICH,
JAMES T. WALSH,
DAVE HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
MARK W. NEUMANN,
BOB LIVINGSTON,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
CONRAD BURNS,
TED STEVENS,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
MARK O. HATFIELD,
BARBARA A. MIKULSKI,
PATRICK LEAHY,
J. BENNETT JOHNSTON,
BOB KERREY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. MILLER of California. Mr. Speaker, pursuant to clause (c) of rule XXVIII, I rise to announce my intention to offer a motion to instruct House conferees on H.R. 4, the Personal Responsibility Act of 1995. The form of my motion is as follows:

Mr. MILLER of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed, that in resolving differences between the two Houses with respect to subtitle b of title III of the House bill (relating to family and school-based nutrition block grants) and title IV of the Senate amendment (relating to child nutrition programs), the managers should concur in the Senate amendment insofar as such amendment does not contain any block grants relating to the school lunch program under the National School Lunch Act and does not contain any block grants relating to any family nutrition program under the Child Nutrition Act of 1966 or the National School Lunch Act.

SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–141)

The SPEAKER pro tempore (Mr. ENSIGN) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2491, the budget reconciliation bill adopted by the Republican majority, which seeks to make extreme cuts and other unacceptable changes in Medicare and Medicaid, and to raise taxes on millions of working Americans.

As I have repeatedly stressed, I want to find common ground with the Congress on a balanced budget plan that will best serve the American people. But, I have profound differences with the extreme approach that the Republican majority has adopted. It would hurt average Americans and help special interests.

My balanced budget plan reflects the values that Americans share—work and family, opportunity and responsibility. It would protect Medicare and retain Medicaid's guarantee of coverage; invest in education and training and other priorities; protect public health and the environment; and provide for a targeted tax cut to help middle-income Americans raise their children, save for the future, and pay for postsecondary education. To reach balance, my plan would eliminate wasteful spending, streamline programs, and end unneeded subsidies; take the first, serious steps toward health care reform; and reform welfare to reward work.

By contrast, H.R. 2491 would cut deeply into Medicare, Medicaid, student loans, and nutrition programs; hurt the environment; raise taxes on millions of working men and women and their families by slashing the Earned Income Tax Credit (EITC); and provide a huge tax cut whose benefits would flow disproportionately to those who are already the most well-off.

Moreover, this bill creates new fiscal pressures. Revenue losses from the tax cuts grow rapidly after 2002, with costs exploding for provisions that primarily benefit upper-income taxpayers. Taken together, the revenue losses for the 3 years after 2002 for the individual retirement account (IRA), capital gains, and estate tax provisions exceed the losses for the preceding 6 years.

Title VIII would cut Medicare by $270 billion over 7 years—by far the largest cut in Medicare's 30-year history. While we need to slow the rate of growth in Medicare spending, I believe Medicare must keep pace with anticipated increases in the costs of medical services and the growing number of elderly Americans. This bill would fall woefully short and would hurt beneficiaries, over half of whom are women. In addition, the bill introduces untested, and highly questionable, Medicare ''choices'' that could increase risks and costs for the most vulnerable beneficiaries.

Title VII would cut Federal Medicaid payments to States by $163 billion over 7 years and convert the program into a block grant, eliminating guaranteed coverage to millions of Americans and putting States at risk during economic downturns. States would face untenable choices: cutting benefits, dropping coverage for millions of beneficiaries, or reducing provider payments to a level that would undermine quality service to children, people with disabilities, the elderly, pregnant women, and others who depend on Medicaid. I am also concerned that the bill has inadequate quality and income protections for nursing home residents, the developmentally disabled, and their families; and that it would eliminate a program that guarantees immunizations to many children.

Title IV would virtually eliminate the Direct Student Loan Program, reversing its significant progress and ending the participation of over 1,300 schools and hundreds of thousands of students. These actions would hurt middle- and low-income families, make student loan programs less efficient, perpetuate unnecessary red tape, and deny students and schools the free-market choice of guaranteed or direct loans.

Title V would open the Arctic National Wildlife Refuge (ANWR) to oil and gas drilling, threatening a unique, pristine ecosystem, in hopes of generating $1.3 billion in Federal revenues—a revenue estimate based on wishful thinking and outdated analysis. I want to protect this biologically rich wilderness permanently. I am also concerned that the Congress has chosen to use the reconciliation bill as a catch-all for

various objectionable natural resource and environmental policies. One would retain the notorious patenting provision whereby the government transfers billions of dollars of publicly owned minerals at little or no charge to private interests; another would transfer Federal land for a low-level radioactive waste site in California without public safeguards.

While making such devastating cuts in Medicare, Medicaid, and other vital programs, this bill would provide huge tax cuts for those who are already the most well-off. Over 47 percent of the tax benefits would go to families with incomes over $100,000—the top 12 percent. The bill would provide unwarranted benefits to corporations and new tax breaks for special interests. At the same time, it would raise taxes, on average, for the poorest one-fifth of all families.

The bill would make capital gains cuts retroactive to January 1, 1995, providing a windfall of $13 billion in about the first 9 months of 1995 alone to taxpayers who already have sold their assets. While my Administration supports limited reform of the alternative minimum tax (AMT), this bill's cuts in the corporate AMT would not adequately ensure that profitable corporations pay at least some Federal tax. The bill also would encourage businesses to avoid taxes by stockpiling foreign earnings in tax havens. And the bill does not include my proposal to close a loophole that allows wealthy Americans to avoid taxes on the gains they accrue by giving up their U.S. citizenship. Instead, it substitutes a provision that would prove ineffective.

While cutting taxes for the well-off, this bill would cut the EITC for almost 13 million working families. It would repeal part of the scheduled 1996 increase for taxpayers with two or more children, and end the credit for workers who do not live with qualifying children. Even after accounting for other tax cuts in this bill, about eight million families would face a net tax increase.

The bill would threaten the retirement benefit of workers and increase the exposure of the Pension Benefit Guaranty Corporation by making it easy for companies to withdraw tax-favored pension assets for nonpension purposes. It also would raise Federal employee retirement contributions, unduly burdening Federal workers. Moreover, the bill would eliminate the low-income housing tax credit and the community development corporation tax credit, which address critical housing needs and help rebuild communities. Finally, the bill would repeal the tax credit that encourages economic activity in Puerto Rico. We must not ignore the real needs of our citizens in Puerto Rico, and any legislation must contain effective mechanisms to promote job creation in the islands.

Title XII includes many welfare provisions. I strongly support real welfare reform that strengthens families and encourages work and responsibility. But the provisions in this bill, when added to the EITC cuts, would cut low-income programs too deeply. For welfare reform to succeed, savings should result from moving people from welfare to work, not from cutting people off and shifting costs to the States. The cost of excessive program cuts in human terms—to working families, single mothers with small children, abused and neglected children, low-income legal immigrants, and disabled children—would be grave. In addition, this bill threatens the national nutritional safety net by making unwarranted changes in child nutrition programs and the national food stamp program.

The agriculture provisions would eliminate the safety net that farm programs provide for U.S. agriculture. Title I would provide windfall payments to producers when prices are high, but not protect family farm income when prices are low. In addition, it would slash spending for agricultural export assistance and reduce the environmental benefits of the Conservation Reserve Program.

For all of these reasons, and for others detailed in the attachment, this bill is unacceptable.

Nevertheless, while I have major differences with the Congress, I want to work with Members to find a common path to balance the budget in a way that will honor our commitment to senior citizens, help working families, provide a better life for our children, and improve the standard of living of all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 6, 1995.*

□ 1845

The SPEAKER pro tempore (Mr. ENSIGN). The objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the message of the President and the bill be referred to the Committee on the Budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–385) on the resolution (H. Res. 291) waiving points of order against the further conference report to accompany the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, earlier I was unavoidably detained. If I had been here, on H.R. 2076 I would have voted ''no.''

PERSONAL EXPLANATION

Mr. JEFFERSON. Mr. Speaker, I was unavoidably detained and missed two votes.

Had I been present, I have would have voted ''yes'' on rollcall 840 and ''no'' on rollcall 841.

ISSUANCE OF EXECUTIVE ORDER REVISING EXISTING PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS SUBMITTED TO DEPARTMENT OF COMMERCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–142)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

In order to take additional steps with respect to the national emergency described and declared in Executive Order No. 12924 of August 19, 1994, and continued on August 15, 1995, necessitated by the expiration of the Export Administration Act of August 20, 1994, I hereby report to the Congress that pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (''the Act''), I have today exercised the authority granted by the Act to issue an Executive order (a copy of which is attached) to revise the existing procedures for processing export license applications submitted to the Department of Commerce.

The Executive order establishes two basic principles for processing export

license applications submitted to the Department of Commerce under the Act and the Regulations, or under any renewal of, or successor to, the Export Administration Act and the Regulations. First, all such license applications must be resolved or referred to me for resolution no later than 90 calendar days after they are submitted to the Department of Commerce. Second, the Departments of State, Defense, and Energy, and the Arms Control and Disarmament Agency will have the authority to review any such license application. In addition, the Executive order sets forth specific procedures including intermediate time frames, for review and resolution of such license applications.

The Executive order is designed to make the licensing process more efficient and transparent for exporters while ensuring that our national security, foreign policy, and nonproliferation interests remain fully protected.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 5, 1995.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEMBERS SHOULD CONSIDER LEGISLATION TO PROTECT DISTRICT OF COLUMBIA GOVERNMENT DURING FEDERAL GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this is day 10 of my countdown since the last shutdown of the Federal Government and, astonishingly, of the District of Columbia, not a Federal agency, you may have noticed.

We face the possibility on December 15 of another closedown, or perhaps a short-term CR. For the District that would not be much better than a shutdown, because it is almost impossible to run a city on a 30-day basis without the flexibility to obligate your funds.

Mr. Speaker, I want to thank the gentleman from Virginia, Mr. TOM DAVIS, a strong supporter and cosponsor of the D.C. Fiscal Protection Act to allow the District to spend its own funds and to continue to operate in the event of a shutdown or a failure of the President to sign an appropriation in time. The gentleman from Virginia had a hearing on this bill today, and I would like to note for the RECORD some of the remarks of the witnesses, because they reflect a very broad support from every sector in the District on a bipartisan basis for this legislation.

The Comptroller of the United States testified for the administration that the administration believes that legislation is necessary. Dr. Brimmer, the Chair, the distinguished Chair of the Control Board, testified, ''the city's' critical fiscal condition would be aggravated by any more such actions.'' He went on to say, ''nearly 15,000 employees were furloughed, resulting in a $7.3 million loss in productivity.'' May I add, Mr. Speaker, that this is a city in the throes of fiscal insolvency. The notion that the Congress would participate in aggravating that condition is simply unacceptable, and I think unintended by this body.

Dr. Brimmer goes on: ''District headquarters and agency budget analysts were nearly all deemed nonessential. This delayed critical work on the development of the District's 1996 and 1997 financial plan and budget needed to provide the city's fiscal recovery. We agree that the District should be allowed to obligate or expend an amount equal to all locally generated revenues such as local taxes and local fees.'' One might ask: What is the District's own local money doing in the Congress of the United States in the first place, Mr. Speaker?

The Board of Trade testified today, and I am quoting: ''One week of delay in licensing and permitting inspections and other business-related regulatory process increases costs. These were services that are largely paid for by locally generated revenues.''

Mr. Tidings of the Board of Trade concluded: ''I understand that some Members of Congress are concerned that should the District be exempted from the larger Federal budget debate, there no longer would be a distinction between which other Federal agencies deserved the exemption and which do not. No matter how individual Members of Congress may view their constitutional oversight responsibilities for the District of Columbia, it is a unique Federal entity and one that cannot and should not be compared to any other Federal department or agency. The Greater Washington Board of Trade fully supports this subcommittee's efforts to allow the District of Columbia Government to remain open during a Federal shutdown under the spending parameters outlined in Ms. NORTON's proposal.

Two unions also testified, Mr. David Shrine and Mr. Hicks, Mr. Shrine of the AFGE, and Mr. Hicks of AFSCME.

Every sector and bipartisan membership on the subcommittee all agree that this is the Nation's Capital for which we all must take responsibility. The notion of pushing it into greater insolvency because we allow it to shut down, or tether it to a short-term CR, making it impossible to run the city in a rational way, is not what this body should stand for. It is hard to defend adding to the waste and inefficiency for which the District has been criticized, at a time when the city is close to fiscal insolvency, it is hard to defend holding hostage the District of Columbia's own money by tethering it to a short-term CR, allowing it to operate by fits and starts, and compounding its fiscal problems. It is hard to defend putting a leash on the District, making it operate in a straitjacket that promotes terrible waste and compounds the inefficiency for which Member after Member has criticized the District of Columbia.

Mr. Speaker, I ask this body to consider the bill. I ask the majority to bring forward the bill that has bipartisan support in the committee.

URGING THE PRESIDENT TO JOIN REPUBLICANS IN BALANCING THE BUDGET NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY} is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I appreciate the Members' indulgence to allow me to go ahead of the line.

Mr. Speaker, today the American people have some good news and some bad news when it comes to balancing the budget. The good news is that President Clinton has finally decided to come to the negotiating table with a 7-year budget. The bad news is that he has vetoed the only real balanced budget that gives tax relief to families, moves power out of Washington, saves Medicare for the next generation, and reduces Washington's spending.

The President's decision to offer a plan that balances in 7 years is a positive first step. He seemingly realizes that the American people want a balanced budget now, not a balanced budget sometime after the next election.

Of course, we are waiting to see if his budget actually balances according to the accounting experts, but it is a shame that the President has waited until the last possible moment to start serious negotiations, and it is a shame that he has chosen to veto the first significant balanced budget the Congress has produced in decades. We in Congress have been working for a full year, we have been working diligently to deliver the American people a real Christmas present. We have shopped around our ideas, we have balanced the costs and the benefits, and we have delivered a product that all America can take pride in.

Our budget reflects the principles so important to the American people. Our budget saves Medicare, it reforms welfare, it reduces Washington, spending so people can spend more of their own money at home. It returns power to the States from the Federal Government, and it balances the budget now.

President Bill Clinton is the proverbial Christmas Eve shopper, spending little time thinking about his balanced budget, and now rushing to beat the Christmas deadline. We hope his budget meets the test of being real, of being balanced, and of being fair to all Americans.

Mr. Speaker, I urge the President to join Republicans in doing the will of the American people: Balance the budget now.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

[Mr. GEJDENSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

APPOINTMENT OF JAVIER SOLANA AS NATO SECRETARY GENERAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, in the post-cold-war era, security considerations that used to be commonly-debated are almost never part of our political or civic discourse.

The threat of the Soviet Union, with its thousands of nuclear warheads pointed at American cities and military installations, with its dozens of army divisions poised to strike Europe, with its surrogate incursions into Africa, Asia, the Middle East and Latin America, and its financial support for terrorist groups throughout much of the world—the Soviet Union provided us all with a common enemy that kept our attention focused on the most serious security concerns of our time.

But the world has not become a safe place simply because the Soviet Union collapsed. The Soviet Union collapsed above all else because Mikhail Gorbachev failed to understand that ultimate ruthlessness and the obvious willingness to utilize terror in a consistent and systematic manner, are necessary for the retention of power by Marxist-Leninist regimes. Gorbachev believed that he could be a civilized communist, at least somewhat respectful of the rights of his citizens, and so the Soviet Union rapidly collapsed as people throughout Eastern Europe and the former Soviet Union realized that they could attempt to be free without the guarantee of fierce and merciless, forceful retaliation by their totalitarian states.

Many of the threats to the security of the United States that existed before the Soviet collapse have not gone away, however; what more shocking example of this can exist than the story of the spy for the KGB, Aldridge Ames, whose activities were directly responsible for the deaths of numerous American agents in various places throughout the world? Ames continued to spy for Russia even after the collapse of the Soviet Union and until the very moment that he was apprehended by U.S. counterintelligence personnel.

So the attitude that I believe can often be perceived from the actions of the Clinton Administration, that all is well with regard to people who would have been clearly objectionable for delicate positions in our security structure during the existence of the Soviet Union—that attitude that the past acts of former Marxists or anti-American agitators should be excused or understood as ''youthful indiscretions''—that attitude that I clearly perceive as too-often characteristic of the Clinton Administration, is risky at best.

We need to look at the latest example of that Clinton Administration attitude: the appointment of Javier Solana as Secretary General of NATO, the North Atlantic Treaty Organization.

NATO, of course, is the military wing of the Western Alliance. It was greatly responsible for maintaining the security of Europe throughout the Cold War, and today we are poised to intervene militarily in an armed conflict in Europe for the first time since World War II, in the Balkans, under the military shield and utilizing the military structure of NATO. Thus, though NATO was always important, it perhaps is even more so today.

So, who is the man who was named yesterday in Brussels as the new Secretary General—the Chief—of NATO? Javier Solana is the Foreign Minister of the Spanish Socialist Workers Party government. Mr. Solana opposed NATO with vehemence throughout the 1970's and 1980's. As late as 1986, when the Socialist-sponsored referendum was held in Spain to determine whether it would remain in NATO, Mr. Solana, then Culture Minister, was one of the most outspoken opponents of Spain remaining in NATO. Solana also opposed the presence of U.S. military bases on Spanish soil. As late as 1985, he contemptuously stated while discussing the issue of U.S. bases, ''if need be, we'll send a copy of the Spanish Constitution to Washington so they'll know what a sovereign country is.''

Until September 29, 1979, Mr. Solana was formally a Marxist. That is the date that his party, the Socialist Workers Party, erased the word ''Marxist'' from its political program so as to help it win the next Spanish general election.

Despite the opposition of much of Western Europe, the Clinton administration insisted upon Mr. Solana to be the new NATO Secretary General. Much of the military and intelligence community of the NATO countries simply could not understand why the Clinton administration would insist on Solana as the new NATO head with other available candidates in contention, such as Mr. Ruud Lubbers, the former Dutch Prime Minister, who was endorsed by France, Germany and Great Britain. Mr. Lubbers is a lifelong and dedicated supporter of NATO with exemplary security credentials.

The Clinton administration insisted on imposing the Spanish Socialist Solana as we prepare to use NATO to intervene militarily in Europe for the first time since World War II, despite the fact that the Spanish government is being wracked by scandals that involve massive governmental corruption that includes even the assassination of opponents by government-created death squads, and despite, perhaps most importantly, that Spain since the Socialist-proposed referendum in Spain on the issue of NATO in 1986, that country is officially not part of NATO's military structure. That Foreign Minister, of that country that is not part of NATO's military structure, was the Clinton administration's imposed choice for NATO Secretary General.

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CONTINUED NUCLEAR BOMBING IN SOUTH PACIFIC

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, this may sound like a broken record, but it is not, when it involves the lives of millions of men, women, and children who live in the Pacific region. The crisis may even impact the lives of millions of Americans who live in the State of Hawaii and the Pacific Coast States like Washington, Oregon, and California.

Mr. Speaker, some of my colleagues are not aware of the fact that after our Government, that is, the United States Government conducted approximately 106 nuclear bomb explosions in the Marshall Islands in the Pacific region—yes, this was a period when we were at the height of cold war era between our country and the former Soviet Union—yes, our Government proceeded to conduct one of the most comprehensive nuclear testing programs ever recorded in history, and our national security as well as the security of the free nations of the world was at risk—so, we conducted these nuclear bomb explosions so that our nuclear capability would never be undermined by the former Soviet Union. We exploded nuclear bombs in the atmosphere, on the Earth's surface, beneath the Earth's surface, and yes, even on and under the Atoll Islands of the Marshall Islands—we did such a good job we even arranged to destroy one of the islands whereby it just simply disappeared from the face of the Earth—gone, no more in existence. Some of these islands, 60 to 28, Mr. Speaker, to this day are not fit for human resettlement because of the high degree of nuclear contamination still in existence.

Now just remember, Mr. Speaker, the former Soviet Union was also aggressively pursuing a nuclear testing program—and the Soviets were also exploding nuclear bombs in the atmosphere and on and below the Earth's surface.

Well, something happened Mr. Speaker. Not only protects foreign countries around the world, but the fact was that in some of the nuclear explosions that were conducted in the atmosphere—the winds and cloud formations shifted and carried nuclear contamination to various regions of the world—and in doing so, scientists discovered the presence of strontium 90 in milk and related products—yes, also consumed by Americans.

So at the height of the cold war, the two major superpowers of the world decided to agree not to conduct any more nuclear tests in the atmosphere because of the dangers of nuclear contamination of the food cycle to Americans, Russians—and incidently, to other human beings who live in various regions of the world.

Incidently, Mr. Speaker, I do not know if my colleagues are aware of the fact that despite our earnest efforts to advise President de Gaulle of France of the dangers of conducting nuclear explosions in the atmosphere—the French went right ahead and exploded 12 nuclear bombs in the atmosphere in the South Pacific.

And is it any wonder, Mr. Speaker, that the thousands of Polynesian Tahitians who were exposed to nuclear contamination in the sixties and throughout the seventies—many are coming forward with stories of retarded and deformed children coming from the same parents, who historically have never experienced such traumatic problems in their lives.

It is any wonder, Mr. Speaker, that the French Government either simply threw such records away or just doesn't care about the health of its own citizens—some 200,000 French citizens who live 14,000 miles from Paris and the first to be exposed to nuclear contamination when this atoll breaks open, that is, the Moruroa Atoll in French Polynesia.

Mr. Speaker, I'm not much of an artist, but I want to share with my colleagues the potential horrors of Moruroa Atoll. When this atoll leaks radioactive materials, I fear very much that the health and safety of the peoples of the Pacific will be seriously at risk.

Mr. Speaker, again I say to the French Government—shame on you for bringing the horrors of nuclear contamination to the peoples of the Pacific.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BRYANT] is recognized for 5 minutes.

[Mr. BRYANT of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPREAD OF MISINFORMATION DISSERVICE TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, I am sure if we could get the 1996 election behind us, the misinformation that is being spread constantly would cease. What a disservice to this institution and to the other body, and to the administration and to the American people to continue this kind of misinformation day after day after day.

Recently some of my colleagues have taken to the House floor to portray their view of the Republican efforts to balance the budget in 7 years. Watching them, I found myself back in school reading Homer and Plato, Socrates, and all of those wonderful Greek myths that we all enjoyed as children. It is an appropriate reference to these works of fiction, as my colleagues would have the American people and certainly our friends in the press, swoon over the myths they portray. I would like to look at a couple of those myths tonight that I am very closely connected to.

Myth No. 1, Republicans are cutting student loans. Even the President today in his message used that misinformation. Now, the fact is that student loans will increase by nearly 50 percent, nearly 50 percent over the next 7 years from $25 billion to $36 billion in the year 2002. This chart shows that. Each year during that time an increase, an increase, an increase, the whole way up the line throughout the entire period. Yet, you would be led to believe that the opposite would happen.

More loans will be made available next year than ever before, rising from 6.6 million loans in 1995 to 7.1 million in 1996.

For all students, the Federal interest subsidies on student loans remains intact, and there are 75 percent of the American people that have some problems with that, but nevertheless, that is the way it will remain, including during the 6-month grace period following graduation. For all parents, the interest rate on student loans remains the same.

The Balanced Budget Act of 1995 does not include higher education cuts. There are no changes affecting student eligibility for Federal student loans; there are no changes affecting the amount of funds available for student loans; there are no changes affecting the interest rates, interest subsidies, or fees charged to the students or the parents. There are no special fees imposed on any schools.

The next myth, students will pay more for their loans under the Republican plan to balance the budget. The fact is that the Republican balanced budget will result in significantly lowered loan payments, because Alan Greenspan and others tell us that if we get to that point, interest rates will drop at least 2 percent. Now, that is at least an $8 savings for every student out there with an average loan when they consider repayment.

The next myth: Republicans are making extreme cuts in student loans while the President wants to save these programs. The fact is that the President's own budget director, Alice Rivlin, issued a memo recommending the elimination of the in-school interest subsidy for student loans as a method to balance the budget. We did not follow her advice. We found ways to do this without affecting students.

By capping the President's direct loan program at 10 percent, the Congressional Budget Office has found that we will save $1 billion over 7 years, again without harming students.

Myth: Republicans will force hard choices on parents and families. Listen to what one of my colleagues said on the floor of this House.

□ 1915

They will, ''in some cases have to make the very difficult choice of which child will be favored with a college education and which will be told, well, you have to fend for yourself in the job market without that education.''

Mr. Speaker, I find these scare tactics to be very irresponsible. Simply put, these are scare tactics based on incorrect information. It might be better that those parents would tell their children that there are hundreds of thousands of college graduates out there today either with no job or in a job way beyond their education, and at the same time there are hundreds of thousands of technical jobs out there begging for somebody to be trained in order to take those jobs, not a 4-year college education.

I want to repeat the facts. Republicans are increasing student loan volumes and balancing the budget. There are no cuts. Zero cuts. No eligible student will be turned away from the student loan program. Anyone who claims otherwise is simply misrepresenting the facts. No student or parent will pay more for their loan under this Balanced Budget Act of 1995.

Again, I hope we can get correct information out to the public, and not play politics and use scare tactics while doing that.

IN HONOR OF GEN. MAX THURMAN

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to pay tribute to a friend and one of this country's great patriots, Gen. Maxwell R. Thurman. He died December 1 at Walter Reed Army Medical Center in Washington after a long battle with leukemia.

He was called a visionary and an innovator for the work he did to help save the All-Volunteer Army after the Vietnam war. In the early 1980's, we were not getting qualified young people into our Armed Forces. More than 50 percent of recruits at that time were reading on the eighth grade level. General Thurman saw the problem and went to work to solve it. He created the recruiting slogan still used by the U.S. Army: ''Be all you can be,'' as well as a program that stressed how recruits could learn a skill and realize their fullest potential.

It succeeded in bringing more motivated and higher educated young men and women into the military.

General Thurman was one of the earliest supporters of the Montgomery GI bill when many at the Pentagon and the White House opposed it. He saw immediately that it would help in recruiting and retaining topnotch young people, and history has proved us right on the value of the program.

He was also very proud of the fact that he commanded the U.S. invasion of Panama that ousted Gen. Manuel Noriega in 1989. It was the first major combat operation performed at night by American forces, a move which reduced U.S. casualties and helped set an example for future night-fighting tactics used in the Persian Gulf war.

I knew Max Thurman, and worked with him, for more than 20 years. I know firsthand how committed he was to the military life and to the country he loved so much. He was truly one of our best and brightest. We will miss our old friend.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MCKEON] is recognized for 5 minutes.

[Mr. MCKEON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. CLAY] is recognized for 5 minutes.

[Mr. CLAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TEENAGE PREGNANCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, our parents and grandparents have taught us that prevention is better than cure.

Unintended teenage pregnancies illustrate this dilemma.

Contrary to popular thinking, more than 9 out of 10 teenage pregnancies—96 percent—are unintended.

Every year, more than 1 million American teenage girls become pregnant—and, the vast majority of them do not intend this result.

If we had in place a more effective and comprehensive prevention program, in both the private and public sectors, greater than 90 percent of the teenage girls who have babies may not get pregnant in the first place.

If those girls did not get pregnant, we could save millions, perhaps billions, of medicaid and other federal dollars. This is an important observation during our budget legislation.

The delivery of a baby and postnatal care to a pregnant teenager—who cannot afford the pregnency—costs the Government now about $8,400 each time.

Over the years, teenage pregnancies cost continues to rise, through other entitlement programs and other costs associated with these pregnancies that were not intended and were not prepared for properly. A range of prevention activities would cost far, far less than that amount.

The savings that could be experienced through a more effective prevention program could help avoid some of the cuts we are now postured to make. More important, effective prevention would save the teenagers productive life until that person is ready to become a parent. Mr. Speaker, I am sure you have heard that popular commercial that states, ''Pay me now or pay me later.''

On teenage pregnancies, it is better to pay now than to pay later.

There are effective programs, with proven track records, that reach about half of the girls who need help. With more effort, we can reach most or all of these girls. The proportion of sexually active adolescent women over age 15 increased substantially from the seventies to almost 50 percent in the early eighties.

Although data for the first half of the 1980's suggested a leveling off to 44 percent, the data for 1988 was more than 50 percent and indicates a resumption of the increase rate.

Available data for adolescent men over age 17 also shows a substantial increase in the proportion sexually active—up from 66 percent in the late seventies to almost 80 percent in the late eighties.

And, by 1992, the adolescent birth rate was more than 60 births per 1,000 adolescents over age 15. Out-of-wedlock childbearing has increased steadily and markedly among adolescents.

The birth rate for unmarried adolescents over age 15 increased from more than 22 births per 1,000 in 1970 to almost 45 births per 1,000 in 1992.

Moreover, in 1970, 30 percent of births to adolescents over age 15 were out of wedlock as compared to 70 percent in 1991.

The United States has one of the highest teenage pregnancy rates of any western industrialized nation.

These are unintended and preventable pregnancies—so why are we standing idly by?

I issue a challenge to all my colleagues. We must do more than legislate, legislate, legislate. We must reach out with a caring hand to our youth and their families. We must try to stop these unintended pregnancies. Prevention is the key. An ounce of prevention is worth a pound of cure.

REPUBLICANS ROLL BACK ENVIRONMENTAL GAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I rise this evening in very strong opposition to Speaker GINGRICH's and the Congressional majority's attack on clean water, clean air, and our national parks.

No one who has followed the legislative activities of this Chamber over the last several months can deny that there has been—and continues to be—a concerted effort underway to roll back a host of laws that protect our natural resources and the environmental health and safety of the American people.

Already this body has voted to gut the Clean Water Act, to cut hundreds of millions of dollars from grants to local communities that help keep drinking water safe and beaches swimmable, to allow oil and gas drilling in the pristine wilderness of the Arctic National Wildlife Refuge— America's last frontier, to cut the Environmental Protection Agency's budget by 33%, including a 50% cut in enforcement activities and a 19% cut in the program that cleans up hazardous waste sites, to slash funding for land acquisition for national parks and wildlife refuges by 40%, to cut major wetlands habitat conservation programs by 24%, and terminate altogether the EPA's role in protecting wetlands, to accelerate timber sales and logging road construction in our national forests, including the Tongass, a vast temperate rain forest in southeastern Alaska, to cut by one-third the recovery program for the grey wolf in Yellowstone National Park, to repeal a key component of the California Desert Protection Act, to cut climate and global change research by 41%, and to terminate recovery research programs on whales and other marine mammals.

Thankfully, an attempt to sell off our national parks was defeated. But the list goes on and on.

This summer, the Republican majority voted in favor of seventeen special interest loopholes that would restrict the EPA from enforcing programs important to public health, such as controls on airborne emissions of benzene, dioxin, and other cancer-causing pollutants from oil refineries, cement kilns, and paper plants.

When the American people found out about these outrageous provisions, it did not take long for some Members to do an about-face. Most of those special interest riders have been removed. However, we are still faced with a bill that imposes deep cuts in the EPA.

Mr. Speaker, the American people want to know what is next on the Republicans' environmental chopping block. Well, the Endangered Species Act, for one, is on life-support in critical condition. Apparently some feel that because the bald eagle is no longer

in imminent danger, we do not need to worry about endangered species any more.

Another area in jeopardy concerns global warming. Despite the clear consensus of the international scientific community, some politicians are disputing the role that chemicals such as cholorofluorocarbons have in the depletion of the ozone layer. Unbelievably, we have leaders on the Republican side of the aisle who claim they know more about the threat to the Earth's ozone layer than Nobel prize-winning scientists and who are working to repeal bans on these harmful chemicals. Is this how public policy is supposed to be made? Certainly not.

What seems to underlie all these environmental attacks is the false assumption that a strong economy and a clean environment are natural enemies. Because the vast majority of Americans do not support their attack and the facts do not back their arguments up, the proponents of these rollbacks have to resort to polarizing the debate into a choice between jobs and environmental stewardship.

Well, my colleagues, do not be fooled. A strong environment and a strong economy go hand-in-hand.

I come from an area in New York that borders Long Island Sound. The people I am privileged to represent in New York know first-hand that pollution-based prosperity is short-sighted and ends up costing more than it gives back. That is why business leaders, labor groups, and environmental organizations in New York and Connecticut have come together and are working in unison to restore the ecological health of the Sound. With the help of the EPA and the Federal rules it enforces, Long Island Sound is slowly coming back to life. Now is not the time to turn back the clock.

Many in this Chamber like to talk about the importance of learning from history, lest we repeat the mistakes of the past. Well, history around the world has clearly shown that there is a high price to be paid for abandoning environmental stewardship.

Mr. Speaker, what it all comes down to is a choice between the philosophy of Teddy Roosevelt—a Republican, I remind you—and James Watt. One saw the wisdom of preserving nature's beauty for future generations, the other sought to sell off national parks to the highest bidder.

The American people know who is right. It is high time that Speaker GINGRICH and the Republican leadership wake up and recognize this too.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

[Mr. HORN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REPUBLICAN CUTS HURT THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise this evening to express my dismay at the devastating cuts to the environment and environmental programs that my Republican colleagues are really shoving through this Congress. Without question, these cuts will spoil our Nation's water, air, and land.

I am delighted to join my colleague the gentlewoman from New York [Mrs. LOWEY], in listening to her comments, and I applaud my colleague the gentleman from New Jersey [Mr. PALLONE], who is organizing people tonight to speak on this issue. I commend him for his leadership on environmental policy.

I am pleased to join my colleague the gentlewoman from New York [Mrs. LOWEY] also in sponsoring legislation for the cleanup of Long Island Sound.

☐ 1930

This is one of our real concerns about what is happening with regard to the environment, and without question, the cuts, as I said, will spoil our Nation's water, air, and our land.

Americans can take great pride in the progress that we have made over the years in cleaning up our Nation's environment.

But Republicans, the Republican majority, are really turning back the clock. They are wiping out decades of improvement to the environment and giving polluters a license to pollute. They are not achieving this through open debate where we could have a back and forth on these issues, but they are doing it through funding cuts that are hidden in massive spending bills that the Congress is taking up.

I also want to commend my colleagues on the Republican side of the aisle who, in fact, have stood up to the pressure and turned back legislation that is harmful to the environment. Time and again, this year and over the decade, Democrats and Republicans have come together in a spirit of bipartisanship to protect the environment. That has been true over and over again in our Nation's history, and unfortunately that kind of bipartisanship is being rent and pulled apart. Despite the bipartisan efforts, the Republican majority is taking a wrecking ball to environmental protections in this country.

More than $1.5 billion will be slashed from the Environmental Protection Agency's budget next year. Slashing EPA's budget by more than 20 percent will cripple the agency's ability to ensure that our water is safe to drink and our air is safe to breathe. The Federal Superfund Program, which cleans up our Nation's worst hazardous waste dumps, will be cut by nearly $300 million in 1996. This is another 20 percent cut from current spending levels. In my own congressional district, the Superfund has been responsible for clearing up the Raymark Superfund site. From 1919 to 1984, Raymark Industries spewed asbestos, lead, dioxins, and PCB's throughout Stratford, CT. The homes of neighborhood families and local businesses as well as the parks where children play and the schools they all attend were all severely contaminated by this toxic waste, and now, due to Superfund, this site may soon become clean enough to develop as a retail shopping center. As a matter of fact, there is a developer who is ready to put in a $50 million project in this area.

EPA's work at Raymark is a wonderful success story in the making, and working with State and local officials, the EPA has been effective, efficient, and responsive, and I might add the State has been effective, efficient, and responsive, as well as the local community and the local government. Their tireless efforts have made Raymark the Nation's model for accomplishing the cleanup work that Superfund was designed to do.

Do my Republican colleagues really believe that Americans would rather balance the budget than clean up toxic waste in American communities? Look at any child, look them in the face and explain this to them. The question is, as the President has done this evening in vetoing the budget, which, I might add, 60 percent of the American public wanted him to veto the budget because of what was being done in Medicare, Medicaid, the environment, turning the clock back on environmental legislation, and in tax fairness to working Americans; the public does not want to see the budget balanced under any set of circumstances and giving up our principles and giving up the movement forward we have made in these areas.

Let us have individual votes on environmental cuts. Then Americans will truly understand what this new majority in the Congress stands for. I urge my colleagues to vote against spending bills that contain environmental cuts.

EXPRESSING CONCERN ABOUT DEPLOYMENT OF TROOPS TO BOSNIA

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from New Jersey [Mr. MARTINI] is recognized for 5 minutes.

Mr. MARTINI. Mr. Speaker, I rise this evening to express my concerns with respect to policies on the deployment of troops in Bosnia.

This past year this Congress has experienced many highs in the legislative process. However, at this moment, I have a great sense of frustration with the current policies of deploying ground troops in Bosnia. We have spoken out on several occasions, and I would like to reiterate here what has occurred here on the floor of the House of Representatives over the past several weeks.

Several weeks ago we had a resolution before the House at the time, which passed this House, which said to the President that he should not be committing our troops to Bosnia or that the peace process should not be based on the assumption that we would promise to send ground troops to Bosnia. That passed this House by a significant majority.

Shortly thereafter, several days or a week later, we had a second resolution expressing our concern that we should not deploy troops to Bosnia without the President coming before the Congress and making that appropriate request. Neither of these resolutions have been adhered to by our President.

As we stand here this evening, we know that troops have already been deployed, and, in my opinion, we have put the cart before the horse. We have sent troops to Bosnia, ground troops, without having established the compelling interests and the necessary reasons why we should be deploying troops to that area of conflict of the world.

My great concerns primarily rest with the fact that it seems to me that the real reason why we have troops in that area of the world at this moment is because of a relatively casual offhand promise made by our President over a year ago which, in fact, committed that if a peace accord were subsequently to be reached, that he, in fact, would enforce that peace accord with the use of American troops, risking putting our troops in harm's way. The problem with such a policy on such a serious issue is that the promise was made before a peace accord was reached. The promise was made without the benefits of knowing the full extent of that peace accord, without knowing the serious risks involved with deploying troops in that area, because the peace accord had not yet been formulated and without knowing how sincere the parties were to actually going forth with these peace missions.

The problem with such a policy is obvious to me and certainly obvious, I believe, to the American people, as it should be. Never should we risk or commit our troops by way of a promise by our President or any President to anyplace in the world before, in fact, we know the full extent of the peace accord reached or any other accord on which we are basing the deployment of troops. It is foolhardy, in my opinion.

Such foreign policy must be avoided in the future, and we must, therefore, today stress our strong stand in opposition to the deployment of ground troops to Bosnia. It is not enough, in my opinion, to say there is a compelling American interest. That does not make a compelling American interest so. We have not heard, in my opinion, at least, the real reasons why there is a need to deploy troops to that very dangerous area.

I would like to just relate to what has occurred by way of some 40 or so years of history in the region of the world. I have little doubt, and I certainly am hopeful that with the deployment of troops in that area, there will come some stability amongst the fighting factions in that area. We can certainly look at the recent history to see that that will probably be the case.

In recent years, under communist rule, we have not had the civil discord and the fighting and warring factions that have occurred in the last 3½ years. That is not by way of coincidence. It took the presence of force, military force, and a forceful hand to maintain stability in that area. Similarly, I think the introduction of American troops into that area for this limited time may very well create an atmosphere of some civility for the time the troops are there.

The policy is already that these troops will be removed in a year. We are hearing now the President even saying perhaps these troops can be removed and brought home in 7 months. It suggests to me the real reason that these troops were deployed there was simply to do face-saving based upon a political promise or a promise that was made we would use our troops. I do not believe our President had any alternative once that promise was made, and it is unfortunate, because I think our troops are really being deployed there as a face-saving technique to the world to justify the promise that was made over a year ago, and that to me is the weakest of reasons why we should have troops in harm's way.

Let me also say that the arguments advanced by the White House a week ago sounded very similar to arguments advanced in the early stages of the Vietnam War. The arguments advanced in the early stages of the Vietnam War were that we had a commitment to try to preserve civility in the area of Vietnam, that we had a commitment at that time to protect that area. This argument certainly falls short even today.

In closing, let me just say, finally, there is no national interest, and I would support our troops enough, Mr. Speaker, that we do everything possible to bring them home as soon as we can.

CONFRONTING OUR NATIONAL DEBT

Mr. SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, I come before the House this evening to inform the House that as of this afternoon at 3 o'clock, the bureau of public debt has reported our national debt is now $4,988,766,009,862.29. Interestingly enough, it is actually a decrease from yesterday to today of about $125,665,000.

But I point this out again to call attention to the fact that the preeminent issue now confronting this Congress is that for the first time in 60 years we are seriously questioning our need to address the elimination of the deficits which have led to the debt, which is now approaching $5 trillion. One of the reasons that I am appearing on the House floor this evening, and I intend to continue to try to appear each day until we can come to some consensus on a 7-year balanced budget, is because I think we have lost sight of the problem we are seeking to solve, and I want to call on the combined efforts of all of us, Republicans and Democrats, to find a way to bridge the gap between us on the issue of how we once and for all balance the Federal budget.

It is interesting to me that, and again Members of Congress are known for sending out news releases, and certainly I am no exception, but, Mr. Speaker, it is interesting that I have a policy in my office where I really try not to send a release out to the news media unless we actually have something concrete to say. When we began several days ago obtaining the national debt figure every afternoon, I began a program, using the fax machine, to inform the media in my district. It is interesting, and I think it says a lot about the difficult challenge that we face in dealing with the public, that there is an opinion column today in one of the newspapers in my district that actually questions my informing the public about the national debt, in fact, suggests it is a waste of Government money and a waste of my time.

I want to read from the opinion piece. He said, ''I got a new twist on,'' in his words, ''the tax waste watch this week when Congressman Longley sent us a single-page fax proclaiming the daily debt watch.'' He says, ''Golly, I hope he watches more than that each day.''

I would suggest to the news media that this is probably the single most important thing we need to watch every day is that we have got to finally, once and for all, put an end to the national deficits that have built up almost to a $5 trillion debt.

Again, to put this debt into perspective, with Federal spending under any of the plans being debated in this Congress, ranging between $12 trillion and $13 trillion over the next 7 years, $5 trillion are existing debt, money which has already been spent for programs, is almost 40 percent of the total amount of money that the Federal Government will spend in the next 7 years.

Furthermore, when you look at our annual interest payments alone, of almost $250 billion, that amount of money dwarfs the difference in spending priorities between the Republicans and the Democrats in the House. Or, if you will, if you say there is about a $15 billion or $20 billion difference in what we propose for spending in fiscal year 1996, $250 billion in interest payments, minus the $20 billion difference means that we could preserve every nickel that we are currently spending on every program in Washington and have a $230 billion surplus on top of that. This ought to bring to the attention of

the public, particularly the news media that questions the need for me to call attention to this deficit and the debt, the fact that we would be far healthier fiscally if we had dealt with this problem before today.

Ladies and gentlemen, Mr. Speaker, I have to comment on this afternoon's veto by the President of the budget. I can respect the fact that the President may disagree very strongly, very deeply with our priorities versus what his priorities would be for spending. But I would submit that it is a disservice to the electorate and to the Congress and to the Government of the United States for the President not to tell us how he would balance the budget. We have given him a budget. We have tried to tell him how we would do it. Frankly, as a Member of Congress, I would welcome the opportunity to see his version of how he would balance the budget in 7 years.

I think that if he would present us his alternatives, if he would stand on principle and tell us what does he really believe in the terms of his spending priorities over the next 7 years, then I think, for starters, we could start to have a healthy debate in this body over exactly what we need to do to balance the budget in the next 7 years.

□ 1945

OUR ENVIRONMENTAL BUDGET

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from New York [Mr. HINCHEY] is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, there are a number of people here this evening who are concerned about the environment, and I will speak out in a special order concerning environmental issues. I want to address my remarks to the Clean Water Act.

Mr. Speaker, the Clean Water Act was one of the great victories of the past 25 years—a bipartisan success. It is often said it was enacted after the Cuyahoga River in Cleveland caught fire and the country saw how far the quality of our waterways had fallen. But smell also played a part. Waterfront property was no longer considered a plus in many cities: Rivers were open sewers. Parks were abandoned and beaches were closed. Lakes and rivers—like Lake Erie—were declared dead: pollution killed nearly all the fish.

The Safe Drinking Water Act was another bipartisan victory. The idea was simple: that everyone would be able to trust the quality of municipal water, and would not have to fear that their health would be threatened if they moved to a different community. No public health law was more important than protecting water safety. People recognized that Safe Drinking Water Act and Clean Water Act were also some of the best property rights protection laws around. No one wants the value of their property to decline because of someone else's unhealthy or unattractive pollution.

This year, both laws are under attack. We're told the Clean Water Act is too strict, that it makes our lakes and rivers too clean. We are told that the Safe Drinking Water Act makes our water too healthy. Can we not all live with weaker standards, dirtier water?

The advocates of weaker laws are confident their rights will still be protected. They can afford better quality waterfront property. They can afford to vacation in the best places. They can afford bottled water for their children. And they do not want to pay to protect the common good, to protect the drinking water and the waterways that ordinary people, ordinary families will use.

We saw the Clean Water Act under attack in the amendments that the House approved in May that would weaken the law. Of course, the Senate has not acted on that bill, and we know that if it ever reached the President, it would face a veto. We saw the Safe Drinking Water Act under attack in the riders on the VA–HUD appropriations bill. The rider that would have prohibited EPA from tightening standards in lead in drinking water—so important to children's health—was the most egregious example. But that attempt was thwarted too.

Does that mean everything will be fine? No. Money is at the heart of this debate, and the strategy now to attack clean water and safe drinking water is to cut off their money supply. If the EPA does not have the money to enforce the Clean Water Act, it will start to die a slow death. It will bring back the open sewers and flammable streams of long ago.

Let us get down to specifics. The VA–HUD appropriations bill makes sharp cuts in funding for the EPA. It would cut funding for enforcement of public health standards—including clean water and safe drinking water—by 17 percent.

We hear these days about the importance of letting States do the job. Fine—but this bill would cut funding for State loans to improve drinking water quality by 45 percent.

Do you like to see sludge in your rivers and on your beaches? Then you will love to see these cuts. The bill would cut 30 percent from the request for funding for waste treatment plants. Once again, this is money that would go to the States. The bill will make it more difficult for them to help themselves and to help their people.

We have still got some of those notorious riders in here too. It is nice to know the bill no longer prohibits EPA from reducing lead levels in water. But it does prohibit EPA from setting a standard for radon in water—even though radon is linked to lung cancer. It does prohibit EPA from vetoing use of fill containing toxic waste in rivers and lakes.

The VA–HUD appropriations bill covers only 1 year. So it is easy to say these cuts merely delay action a little bit. But put these cuts in the context of the 7-year budget plans that are dominating the news these days. Would enforcement funding increase during the course of those 7 years? Would States get more money to address their water problems later in the course of those 7 years? No. The budget envisions 7 lean years for environmental cleanup and enforcement.

They say Marie Antoinette said of the ordinary people of her time :Let them eat cake'' if they cannot buy bread. The cuts in the EPA budget effectively say if they want clean water, let them drink Perrier.

Should we be willing to pay the relatively small amount extra to buy our constituents—all of our constituents, not just the Perrier drinkers—the safest water available? We should. Should we be willing to spend the small amount extra to keep making progress on cleaner rivers, lakes, and beaches? We should. I think the average family wants to know that the children will have safe, healthy water to drink, and clean beaches to play on. I think they expect their government to give them that assurance. I do not think they want to see these laws allowed to wither away for lack of funding. I do not think they want to make that sacrifice so that some people will have a little more money to spend on designer water or on airfare to a clean beach.

SENIOR CITIZENS RIGHT TO WORK ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, a very historic act was passed this week with the bipartisan assistance of Members of both sides of the aisle, the Senior Citizens Right To Work Act, H.R. 2684. This legislation will address the problem that current tax laws impose harsh penalties on senior citizens, especially those who continue to work beyond the age of 65. After years of hard work and valuable contributions to our Nation, Mr. Speaker, working senior citizens should not be penalized. We should be encouraging, not discouraging, seniors to make a better life for themselves. That is what our great country is founded upon, pursuing the American dream. As Federal legislators we must be committed to helping seniors maintain their independence and quality of life. That is why I was proud to speak to help support with my colleagues, Republicans and Democrats alike, H.R. 2684.

What this will allow, Mr. Speaker, is current law says that those seniors under 70 that are currently making funds up to $11,280, there are no deductions from their Social Security, but if they make a dollar over, there is going to be a deduction. Under this new legislation a modern approach was taken. What will happen is seniors, over the

next 7 years, will be able to earn up to $30,000 a year without deductions from Social Security.

There is another initiative by the U.S. House of Representatives to in fact make it easier for seniors to be independent, to live on their own and to earn more funds. I also feel that the eldercare tax credit, which will help families, is a very important and positive initiative of this 104th Congress.

In addition the House has passed the rollback of the unfair 1993 tax increase on Social Security.

But the final initiative, Mr. speaker, I think which is also important, is the opportunity to save Medicare, to make Medicare more viable, to make sure it is preserved and will in fact provide benefits for seniors in this generation and the next generation. What we will do in the proposal that is before the Congress is to reduce paperwork costs. Right now, Mr. Speaker, 12 percent of Federal dollars from Medicare go to paperwork. That is ridiculous. Businesses would not stand for it. We need to reduce that cost through electronic billing, et cetera.

We also have $30 billion a year in fraud, waste, and abuse in the current Medicare System. That must be eliminated, and the savings go back to make sure we have the health care dollars for our senior citizens.

We also have the initiative to make sure we sustain medical training dollars for interns and residents, the indirect costs for medical education, but as a separate line item, and to make sure those funds that were used in prior Medicare budgets be used for Medicare for our seniors.

But the final option which I think really makes Medicare more modern, more accessible, and certainly more beneficial to seniors; while we are gong to maintain fee for service for Medicare subscribers, we are also offering managed care as an option which may include pharmaceuticals and eyeglasses for no extra costs and also Medicare Plus, which is the medisave account which will have seniors who want to have a system where the dollars they get will be used for their health care, but whatever money is saved goes back in their pocket or, in fact, is rolled over to the next year.

So I am looking forward to working with the other side of the aisle, making sure that we save Medicare, working with the President, and while there may have been a veto of the current legislation, I am hopeful that working together with the White House we can make a Medicare plan that is going to be good for our seniors, will make sure we restore fiscal responsibility to our budgets, but making sure our health care is there for those who are in need.

NO VITAL AMERICAN INTERESTS AT RISK IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, we are now 8 days away from signing the Bosnia accord in Paris. This will seal the deployment of up to 40,000 troops into the Bosnian theater. That is right. The 20,000 troops that have been talked about include only the Army ground personnel in Bosnia. It does not include additional U.S. forces in German, the Adriatic, the Balkans, or in Italy.

Mr. Speaker, the President has yet to specify the vital United States interests at risk in Bosnia or the detailed and specific plans that he promised, the plans to achieve the objective that we have in Bosnia or the exit strategy, that he promised to bring our men and women safely home. The interests outlined by the President were broad universal ideals that would apply anywhere in the world. He made no case for a specific deployment in Bosnia. Sad experience has taught us that it is easy to send troops in but very difficult for them to accomplish the objective after they are there and even more difficult to get out in a timely and honorable way.

Besides all this, it will all be done on borrowed money. We do not have the money for it. It is all borrowed money.

I want to call everyone's attention to an article in today's Baltimore Sun. The headline is ''Croats Seen Burning Town That They Must Give Back To The Serbs.'' It states that the U.N. condemned the scorched earth policy being carried out by the Croatian forces. These forces were working in organized burning teams. Mr. Speaker, this defies the peace agreement and shows that many in that tragic area will not honor it. When rival armies burn each other's towns, I find it hard to believe the President's statement that U.S. troops will not be entering a combat zone.

Another article we are mentioning was written by former Secretary of Defense Weinberger in this week's edition of the Forbes magazine. He asks:

Is it isolationism or is it failure to accept the burdens of leadership that leads me to conclude that we should not send troops to this ill-stated enterprise? I think neither. The U.S. has always been, and should always be, willing to accept the burdens of keeping peace and maintaining freedom for ourselves and our allies. But when—after two years of fatal, bumbling inaction—we cobble together a paper agreement solving none of the conflicts that started this war, it is simply common sense that opposes deploying any soldiers, U.S. or NATO, to a mission inviting disaster.

That is the end of the quote. Mr. Speaker, I could not agree more, and I submit the entire article for the RECORD:

[From Forbes, Dec. 18, 1995]

GETTING OUR TROOPS INTO THE TRENCHES BY CHRISTMAS

(By Caspar W. Weinberger)

President Clinton's personal pledge to send 20,000 U.S. troops to join 40,000 NATO troops in the Bosnian cauldron invites another foreign policy disaster.

The Serbs, Croats and Bosnian Muslims have agreed, sort of, that Bosnia will give up 49% of itself to the Bosnian Serbs, who promptly said that that was not enough. The key question that must be answered before we send in our troops is whether there is a peace agreement here that is likely to be kept by all the warring parties. If there is not, any ''peacekeeping'' mission will be futile. Despite chief negotiator Richard Holbroke's hype and President Clinton's speech to the nation, the sad fact is that we have no such agreement.

PIPE DREAMS

The agreement is supposed to create a stable, new ''multiethnic Bosnian country,'' with Sarajevo as its multiethnic capital. The agreement provides for a partitioned Bosnia governed by a federal parliament with control over foreign policy and some economic policy, but having two separate armies, two police forces and separate parliaments—all overseen by a rotating collective Bosnian presidency. Even Rube Goldberg couldn't have dreamed up a more complex design than this.

This agreement accepts the principle of two Bosnias, which is what the Serbs have wanted all along. But within hours of the highly dramatic initialing in Dayton, Bosnian Serb president, Radovan Karadzic, typically wavered back and forth between denouncing the agreement, half-heartedly accepting it, saying that Bosnia's 100,000 Serbs would fight against it, with Sarajevo becoming another ''Beirut,'' and then later saying that maybe he would accept the agreement. Some of Karadzic's behavior may well be explained by the fact that before taking up brutal atrocities and mass murder, Karadzic was a practicing psychiatrist with a record of what is politely called ''instability.'' Physician, heal thyself.

It is quite true that Serbia's President Slobodan Milosevic—no slouch at committing atrocities himself, but hoping to avoid indictment as a war criminal—has agreed to this arrangement. The very instability the agreement creates will offer Milosevic another opportunity to realize his goal of a Greater Serbia, backed by his Russian allies. We have allowed the Russians to become a part of the ''intervention force,'' but to satisfy their sensibilities they will be allowed to report to U.S. Division Commander, Major General William L. Nash instead of being placed under direct NATO command.

The 20,000 U.S. soldiers will be deployed along a narrow, 2.5-mile-wide strip separating Bosnia's Muslim and Serb armies. If our forces are attacked, they will fight back, even though they are heavily outnumbered. Communications, exit strategies, command and control? Be patient. But if our troops are engaged, Mr. Clinton's prediction of ''some casualties'' will seem modest.

We have insisted that neither Dr. Karadzic nor that least lovable character, Bosnian Serb general Ratko Mladic, be permitted to have any role in the future because of their indictments as war criminals. But neither Karadzic nor Mladic has agreed to this. General Mladic is renowned for defying all attempts at civilian control of his army, regardless of any agreement. After all, he made and violated 34 cease-fire agreements.

Is it isolationism or is it failure to accept the burdens of leadership that leads me to conclude that we should not send troops to this ill-starred enterprise? I think neither. The U.S. has always been, and should always be, willing to accept the burdens of keeping peace and maintaining freedom for ourselves and our allies. But when—after two years of fatal, bumbling inaction—we cobble together a paper agreement solving none of the conflicts that started this war, it is simply common sense that opposes deploying any soldiers, U.S. or NATO, to a mission inviting disaster.

TWO ENDS AGAINST THE MIDDLE

Mr. Holbrooke can shout at every camera he finds that Bosnia is not another Vietnam, Lebanon or Somalia. But the parallel with Lebanon is deadly and exact. We dispatched troops to Lebanon to act as a buffer between two states, and innumerable militias that had not agreed to peace or a peacekeeping force. In Bosnia we have a paper agreement that Mr. Milosevic, anxious to save his skin, purported to sign for his former ally, Dr. Karadzic, whose wild and wavering statements after the agreement have made clear that the Bosnian Serbs will most likely fight any intervention force. And since the world has already been told that the U.S. force will be pulled out before next year's U.S. presidential election, Milosevic, Karadzic and Mladic can wait until November 1996 to try again.

Mr. Speaker, even though I oppose the deployment, I want to state very clearly that I am in full support of the troops, the individual people that are going there, doing their duty as they have been instructed. These men and women are members of the finest military in the world. To put these top combat troops in harm's way doing occupation duty is beyond belief, and I call upon the President to stop this movement into Bosnia while we can still do so.

Finally I will encourage everyone to show their support of our troops by donating to the individual services relief societies. This is the best way to support the children who will be left without a parent at this holiday season. In the gulf war there were so many letters to our troops that families could not communicate with their mothers and fathers. Giving a donation to the relief societies helps the services take care of the children separated from their parents because of the deployment of American forces abroad.

□ 2000

IMPACT OF THE BUDGET AND APPROPRIATION BILL ON THE ENVIRONMENT

The SPEAKER pro tempore (Mr. ENSIGN). Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I do not plan to use the entire time. What I wanted to do tonight and what I will do is to explain the budget and appropriation bills that have been proposed or passed by the Republican majority in this House and how they have a negative impact on the environment.

As you know, Mr. Speaker, we had some previous speakers who gave 5-minute special orders previously: The gentlewoman from New York [Mrs. LOWEY], the gentlewoman from Connecticut [Ms. DELAURO], and also the gentleman from New York [Mr. HINCHEY], that outlined some of the concerns that myself and Democrats in general have about the impact on the environment of the budget bill that has been passed by the Congress and which the President today fortunately vetoed, and also the appropriations bill that funds the Environmental Protection Agency, the VA-HUD-and independent agencies, an appropriations bill which has already been sent back to Congress twice but which will come back up again, probably as early as tomorrow.

Throughout this Congress, we have watched the Republican leadership step by step as they work to completely undermine 25 years of environmental progress in order to make it easier for special interests to pollute the environment at the expense of Americans' health and environmental heritage.

Despite what the Republicans may think, the election last year was not a mandate to roll back our most successful environmental laws. In fact, a recent Harris poll found that 76 percent of Americans think that air and water laws as they now stand are not strict enough; not that they should be downgraded, but they are not strict enough.

Despite this, undercover efforts by the new Republican majority to attack environmental protection through budget and appropriation bills is the paramount example of what lengths the leadership will go to fulfill their promises to special interests, despite the potential impacts to Americans' health, environmental heritage, and economic well-being.

Mr. Speaker, I was very pleased tonight, as we were waiting to address the House during the special orders, that we actually received from the President his veto message on the budget bill. One of the things that he stressed, and I would like to just read some sections from his veto message, is that this budget bill impacts the environment in a very negative way and takes away too much money from environmental protection.

If I could just read some excerpts from his veto message to the House of Representatives, he says: ''As I have repeatedly stressed, I want to find common ground with the Congress on a balanced budget plan that will best serve the American people, but I have profound differences with the extreme approach that the Republican majority has adopted. It would hurt average Americans and help special interests. My balanced budget plan reflects the values that Americans share''; and among those values that the President mentioned was to protect public health and the environment.

He stressed in his veto message that ''the budget proposed by the Republicans would cut too deeply into a number of programs, and specifically hurt the environment.'' He went on to explain how various programs in title V of the program of the budget bill were specifically geared toward downgrading environmental protection.

What I wanted to do tonight, Mr. Speaker, was to talk about, if I could, some examples of how in fact the budget bill, as well as the appropriation bill that we are likely to consider tomorrow, will turn back the clock on environmental protection. In fact, one of the previous speakers tonight, I believe it was the gentlewoman from Connecticut [Ms. DELAURO], specifically said that what the Republicans are doing in these spending and budget bills is turning back the clock on environmental protection. My friend, the gentleman from New York [Mr. HINCHEY], who spoke previously, talked about how, specifically with the Clean Water Act, we have made so much progress in the last 10 or 15 years.

When I was first elected to the Congress back in 1988, the main reason why I believe that I was elected was because in the summer of 1988, we experienced in my district along the shore in New Jersey, a summer where all kinds of material washed up on the beaches: medical waste, sludge material, plastics. You name it, was on the beach. Most of our beaches were closed for the summer, and we lost billions of dollars to our local economy because of the tourists that did not come.

After 1988, in the Congress, and it was on a bipartisan basis, laws were passed that prohibited ocean dumping, that tried to protect against the disposal of medical wastes into the waters of the New York and New Jersey harbors. And, lo and behold, after two or three years, the beaches started to come back, the water quality improved, we did not have the washups that we had during the summer of 1988. So this year, this summer, in 1995, we had probably one of our best beach seasons ever, and people constantly remarked about the improvement in water quality.

But the gentleman from New York, [Mr. HINCHEY] pointed out that if you look at these appropriation bills and if you look at the budget, you are seeing significant cutbacks in the amount of money that is available under the Clean Water Act. Loans that the Federal Government provides to municipalities and counties throughout the country to upgrade their sewage treatment plants are severely cut, so that makes it more difficult for the communities to actually get sufficient funds to upgrade their sewage treatment plants. Specifically in New Jersey, in the part of New Jersey that I represent, we are very concerned about what we call combined sewer overflow. In many of the municipalities in north Jersey, as well as New York City and outlying areas of New York City, in the metropolitan area, there are sewage systems which are combined with stormwater systems, which means that essentially when it rains, the sewage and the stormwater get combined and there is an overflow, and raw sewage goes out into the New York harbor, and of course, makes its way down to the Jersey shore.

What we need are Federal dollars which have now been available and continue to be available over the last few years to try to either separate those sewer and stormwater systems,

or at least prevent the overflow that occurs during the storm. If we do not provide funding on the Federal level for loans or grants to upgrade sewage treatment plants or to separate combined sewer systems, sewer overflow problems, then what we are going to have is an increase, once again, in the sewage and the pollution that goes into our harbor areas and ultimately down to the Atlantic Ocean. That is what the gentleman from New York was talking about.

Mr. Speaker, the amazing thing about clean water and the efforts for clean water, and this was something that my predecessor, Congressman Howard often remarked to me before I was elected to Congress, was that this was one of the few environmental areas where money makes a difference. You could take a small amount of money in the overall terms of the Federal budget and use it to actually upgrade your sewage treatment and improve your water quality. The technology exists, with a relatively small amount of money, to do that. So why cut the funding that is coming from the Federal Government in order to clean and upgrade our water? It makes no sense from a health point of view, it makes no sense from any kind of environmental point of view, whether it is to upgrade sewage treatment plants or to provide for some of the other things that improve our water quality.

The gentlewoman from Connecticut [Ms. DELAURO] talked about the Superfund program. The Superfund program, she stressed, works. A lot of my colleagues on the other side of the aisle act like the Superfund program does not work. It may be that all the Superfund sites have not been cleaned up, but a lot of them have. She specifically mentioned the Raymark site in Stratford, CT as a model for the Superfund program.

What is happening with the Republican budget and with the Republican appropriations bill with regard to the Superfund program? We find that the Superfund program in the VA–HUD appropriations bill, the EPA appropriations bill, is cut by 19 percent. There is a rider in it that says that no new Superfund sites can in fact be designated. The bottom line is that that means that the Superfund program will be downgraded, that a lot of sites that need to be put on the national priority list will not be, and that sites like Raymark in Stratford, CT, which serve as models for the Superfund program, will not get additional funds necessary, or other sites will not get additional funds necessary to continue the cleanup of hazardous waste sites.

That is not what the American people want. Over and over again they indicate, through polling or through contact with us, that clean water and the cleanup of hazardous waste sites are very important to them. Let us not turn our back on the Superfund program the way that is being proposed with this budget and also with the appropriations bill that deals with the EPA.

The President specifically mentioned in his budget message tonight a number of provisions that were actually placed in the budget bill. This is the example of the undercover efforts that I mentioned by the new majority, that if they cannot get a bill passed through the normal course of things, they put language into the appropriations or into the budget bill to try to get environmental programs, or to try to despoil the environment.

One of the things that the President mentioned in his veto message tonight is he specifically says, and I quote: ''Title V of the budget would open the Arctic National Wildlife Refuge,'' ANWAR, as it is called, ''to oil and gas drilling, threatening a unique pristine ecosystem in hopes of generating $1.3 billion in Federal revenues, a revenue estimate based on wishful thinking and outdated analysis.''

This is one of the major points that was raised by the President in vetoing the budget, and rightly so. We know that the Arctic National Wildlife Refuge is a very pristine area, a very delicate ecosystem where oil and gas drilling could effectively destroy the whole nature of the refuge area. Yet, in the budget bill we have language that not only says that we are going to drill for oil and natural gas, but that we have to start within the next year, and specifically eliminates any environmental safeguards or any environmental impact statements that have to be done before that drilling were to take place.

Again, why? Special interests. Obviously, the oil companies want to be able to drill. They suggest that somehow there is a significant amount of revenue that is going to be made available. Yet those involved in Alaska oil know that the reality is very different. It is seriously questionable whether the Federal Government will ever get any of the revenue from the drilling.

In addition to that, Mr. Speaker, no effort really has been made by this majority in this Congress to try to deal with our energy dependence. Some of the advocates for drilling in the Arctic National Wildlife Refuge say, ''This is good. We can drill for more oil domestically. We will not have to depend so much on foreign oil.'' But they do not do anything or they do not do anything significantly to increase mass transit, they do not look into alternative fuel vehicles, they do not look into what I call renewable resources, as opposed to nonrenewable resources, that will make us less energy-dependent. Instead, they just want to go ahead and drill.

I suggest that the President was right. I commend him not only for vetoing the budget bill, but for specifically mentioning the ANWAR or the Arctic National Wildlife Refuge as one of the reasons why he decided to veto the bill.

Mr. Speaker, let me give a few more examples of how this whole process of legislating through the appropriations bills is taking place. Traditionally in this Congress and in this House, if you want to legislate as opposed to appropriate or spend money, you go to the authorizing committees. For example, with the Arctic National Wildlife, you go to the Committee on Resources, you would have a hearing, you would vote out a bill that allows drilling for oil and natural gas, for example. It would come to the floor, it would be passed here after open debate. The same thing would happen in the Senate. It would go to conference before it went to the President.

All that is being bypassed with these appropriation and budget bills. These provisions are being put into the spending bills, if you will, without all those initial processes taking place. That is not the way to proceed, and we are seeing it happen over and over again. It happened today. I was on the floor today and it happened today with regard to what we call deep ocean disposal, a form of ocean dumping.

Those of my constituents at the Jersey shore know that ever since 1988 we have had the Ocean Dumping Act passed, which specifically prohibits offshore dumping of sewage sludge as well as a number of other things that were contaminating our coastal environment. Just yesterday I was informed that an ocean dumping provision was sneaked into the appropriation conference report for Commerce, Justice, State, and the Judiciary, which we voted on today, just a few hours ago. This provision, which was not in either the House or Senate version of the appropriations bill, authorizes NOAA, the National Oceanic and Atmospheric Administration, to study deep ocean waste and isolation technologies, and basically to start a research program that has unlimited possibilities to dump sewage sludge and other kinds of contaminated material in the deep ocean off the coast of New Jersey or wherever; again, an effort to sneak in this kind of anti-environment legislation into the appropriations bill.

In fact, Mr. Speaker, the VA-HUD and Independent Agencies appropriations bill, the one that covers the EPA, which we will probably take up as early as tomorrow, had 17 riders like this when it originally came to the floor of the House of Representatives, 17 anti-environmental provisions that were simply thrown into the bill that had absolutely nothing really to do with spending money or with the appropriations process.

Twice on the floor of this House we had to vote by majority vote, bipartisan, we had to vote to take those riders out. Even though we voted twice to take the riders out, the conference report came back just last week and still had some of the riders in it. It had riders in it that bar the EPA's role in wetlands permitting, in the wetlands permit process.

Right now the EPA basically has the ability to veto development in wetlands if they think it has a terribly

damaging impact on the environment. That is taken out in a legislative rider that is still in the bill, even though the House voted twice to take it out. It also has the provision which I mentioned before, which says the EPA cannot add new Superfund sites to the national priority list without some additional approval. So again, that is in the bill, even though we voted twice to take it out.

In fact, if you look at the VA–HUD appropriations conference report, which will come again to the floor tomorrow, it actually cuts the EPA by 21 percent. It cuts funding for the Environmental Protection Agency by 21 percent and it cuts enforcement of our environmental laws by the Environmental Protection Agency by 25 percent.

□ 2015

So not only are they cutting the overall agency's budget, but they are also cutting enforcement even more severely. Why? Because essentially, in many cases, they want the laws to not be enforced. They would rather that the polluters get away with not having to pay the fine, not getting caught.

The EPA and environmental protection are cut more than other agency in this whole Federal budget, in this whole appropriations process, more than any other agency in the Government, and that shows again the Republican leadership and the bias against environmental protection in an effort to try to undercut all efforts, or most major efforts, to protect the environment.

Mr. Speaker, I wanted to give a few more examples, if I could, of how efforts were made in this budget process to put antienvironmental provisions in. One example, again, that we voted on, on the House floor, was H.R. 260, the National Park System Reform Act, which after being defeated on the floor of this House under suspension of the rules, mysteriously appeared in the budget reconciliation bill.

This is a bill that would set up a commission, and as one of its purposes, choose national parks and recreation areas that would possibly be closed. I took it to heart because within my own district at Sandy Hook, Sandy Hook is a unit of Gateway National Recreation Area, the sponsor of the legislation actually mentioned Sandy Hook as one of the national park units that he thought possibly should be closed or suggested should be closed by this commission.

However, even though we worked hard to defeat that bill on the floor of the House so that this commission to close the parks would not be set up, all of a sudden it came up in the budget reconciliation bill that was about to come to the floor of this House. We managed again, through a coalition of Democrats and some Republicans who were concerned about the environment, to make sure that that provision was ultimately not in the conference report; and it fortunately was not in the conference report, but there were a lot of other things that were.

Another item that the President mentioned in his veto message was the transfer of Federal land for a low-level radioactive waste site in California without public safeguards. This is an interesting provision that was put into the conference bill. In fact, what happened is that in the State of California, there was an effort to set up a low-level radioactive waste site to take waste not only from California, but from a number of other States.

The Secretary of the Interior said about a year ago that he would agree to this transfer subject to certain conditions being met to protect the environment. In other words, Secretary Babbitt wanted to go through a process whereby there were hearings, there was an opportunity for the public to be heard, and certain limitations would be put on the types of radioactive waste or the amount of radioactive waste that could be put into this site before the land transfer would be approved. This is Federal land in California, not very far from Los Angeles, that essentially now is under the jurisdiction of the Bureau of Land Management.

This budget bill would transfer the land for the purpose of setting up a low-level radioactive waste site for the State of California and other States without any safeguards. In other words, the conditions that Secretary Babbitt had articulated were simply eliminated and not mentioned in the budget bill. Instead, the budget bill said that it was not necessary to meet environmental safeguards; it was not necessary to do the public process with the hearings, and we would just transfer the land, and the State of California and the other States could do whatever they want and use it for a low-level radioactive waste site.

Again, a bill was introduced by a California Member to do this; it was put into my subcommittee, the Subcommittee on Energy and Power which had jurisdiction over it. We never had a hearing, the bill never came up, we never reviewed the bill. All of a sudden it is in the budget bill. But thankfully, now the President has indicated that this is another one of the antienvironmental measures, if you will, that is in the budget bill that he is not going to accept, and that he is going to insist be taken out in whatever negotiations are going to occur.

Mr. Speaker, I mention these items not because I think that there are not a lot of areas where we need to improve environmental protection, not because I think that we need to spend money endlessly on environmental protection, but because I believe very strongly that the normal process is being evaded and that the American public is really not being made aware of what is happening with regard to this budget, this Republican budget, and the appropriations process and environmental protection.

I want to stress before I conclude this evening that we, myself and the other Democrats who feel strongly about environmental protection, will not allow the Republican leadership to try to pull the wool over the eyes of the American people with regard to cuts in environmental protection so that the essential interests can get away with environmental delinquency. The budget and appropriations bills are not to be used as a vehicle for environmental destruction. The President has promised to veto several of these bills, as he did this evening, based on the hateful environmental provisions that are contained therein. I and my colleagues on the Democratic side, along with some Republicans, fully support him and commend him for his strong environmental stance.

As this budget negotiation continues over the next few weeks, and we hopefully come to an agreement on the budget bill that balances the budget and at the same time protects the environment, I think we need to be very vigilant to make sure that whatever is finally negotiated does not give away the store, if you will, to the polluters and strengthens environmental laws and strengthens enforcement, rather than weakening it and turning the clock back over the last 10 or 20 years on what this House and what the Senate have done to try to protect the environment in this country.

BALANCING THE BUDGET AND TROOPS IN BOSNIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I want to first yield to the gentleman from the great State of Pennsylvania, the Keystone State [Mr. FOX]. We want to talk a little bit tonight about the budget, and then perhaps about the other big issue that I think Americans are concerned with, the issue of Bosnia.

So I welcome Representative FOX, and maybe we can talk a little bit about how we got to where we are now and a little bit about the Balanced Budget Act.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the leadership the gentleman has taken here in the 104th Congress in focusing our attention on balancing the budget. Mr. Speaker, this is probably the most important issue we have before us, to make sure that we can reduce the cost of government, eliminate the waste, the fraud, and the abuse, and get down to the services that the Federal Government should be taking care of.

The fact that we have not balanced the budget since 1969 has given us approximately a $5 trillion debt, and we are paying for that every day, every man, woman, and child in the United States. It has been told to us by no less

than Alan Greenspan, Congressman GUTKNECHT, that if we in fact come to a balanced budget within 7 years, we will not only increase the number of jobs in the United States by about 200,000 or 300,000, but we will as well reduce the cost of home mortgage payments, we will reduce car payments and, as well, reduce the cost of college loans. I think that is a pretty significant way to helping everyone in America, whether it be seniors, working families and children, making sure they can realize the American dream.

I yield back.

Mr. GUTKNECHT. I think we should talk a little bit about how we got to where we are. You and I were both elected last November as members of this freshman class, and I think it is important sometimes to reflect back on what the American people were saying a little over 12 months ago. I think what they were really saying is that they understand that the Federal Government has grown too big, it spends too much, it wastes too much of their tax dollars, and they want the Federal Government to be put on a diet.

I think they fundamentally believe, and that is what my constituents still are telling me, that it is time to make the Federal Government do what every family has to do, what every business has had to do. In fact, if you look at every major corporation, every minor corporation, every small corporation, every small business, every single day they have to figure out ways to be more efficient. But that is not true of the Federal Government.

Mr. Speaker, the first chart I want to show, and I am sure you are familiar with it as well, Representative FOX, is what the President originally proposed in terms of his, quote, ''balanced budget plan.'' Now, this is what the 10-year balanced budget plan would have produced in terms of deficits for as far as the eye could see.

This is scored by the Congressional Budget Office, and I think that is the source that the President recommended a few years ago that we use, and the reason is, the CBO has historically been more accurate, more conservative, than any of the other sources which score some of our budget proposals.

As you can see, in the year 1996, his proposal would have produced a $196 billion deficit; in 1997, $212 billion; in 1998, $199 billion; in the year 1999, $213 billion; 2000, $220 billion; 2001, $211 billion; 2002, $210 billion, and on out to the year 2005, over $209 billion, over $200 billion deficits literally for as far as the eye could see.

That is not what I think the American people wanted when they asked us to balance the budget. I do not think they meant a 10-year plan which creates almost an additional $2 trillion worth of debt. Perhaps you want to talk a little bit about what the American people have said and what this plan said.

Mr. FOX of Pennsylvania. I think the American public made it very clear, Republicans, Democrats, and Independents alike, that in fact what they want is a balanced budget. They have to balance their budget, the schools do, the States do, as you said earlier.

Congressman GUTKNECHT, I know when you were in Minnesota, you had to balance the budget in the State government when you served there in the State legislature.

The fact is, on Monday, November 20, Congressman GUTKNECHT, the President finally agreed to balance the budget in 7 years with honest numbers from the Congressional Budget Office. The President said at that time that he agreed with the Congress to do as follows: The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than the year 2002, as estimated by CBO, and the President and the Congress agreed that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment.

Further, the balanced budget shall adopt tax policies to help working families and to stimulate future economic growth.

Yet despite all of that on November 20, today, just 2 weeks later, or less than 2 weeks, the President vetoed a balanced budget bill.

Mr. GUTKNECHT. Now, Representative FOX, it seemed to me like you were reading something there. Was that an actual agreement that was signed?

Mr. FOX of Pennsylvania. Yes, it was.

Mr. GUTKNECHT. More importantly, I think, as I understand that, that was actually signed into law. So that is not a campaign promise, that is actually a Federal law. Am I correct in that?

Mr. FOX of Pennsylvania. Yes, you are correct in that, Congressman GUTKNECHT. What he said, his commitment was detailed in a continuing resolution to fund the Federal Government to December 15.

Mr. GUTKNECHT. So now we have a law, a Federal law, which is a commitment by the President and this Congress to work together to produce a 7-year balanced budget plan, scored by CBO. What were some of the other things that you mentioned, some language that provides adequate funding for what?

Mr. FOX of Pennsylvania. For Medicare and for welfare, for adequate funding for Medicaid, for education, agriculture, veterans programs, and the environment.

Mr. GUTKNECHT. Well, we all support that, and I think we can do that with the budget we proposed that the President vetoed today that calls for spending almost $12.1 trillion over the next 7 years.

Let me point out something else, Representative FOX, and I think you are probably aware of this. But right at the bottom of this chart it also points out that the President's plan was offered for a vote in the Senate, and it got zero votes. As a matter of fact, it was defeated 96 to zero.

To their credit, some of our colleagues here in the House offered their own budget alternative, and I do give them credit for that. They went to an awful lot of work to put together a budget alternative to ours. Unfortunately, it only got 73 votes. As you and I both know, one of the critical ingredients in terms of actually structuring a budget and putting it together is, you have to get at least 218 votes in the House and 51 votes in the Senate; otherwise, you are really just sort of whistling in the wind. It really does not make any difference. Unfortunately, our colleagues in the coalition in the House only got 73 votes for theirs.

What we have put together, and I think it is important that we understand this, is not only have we put together a balanced budget plan which meets the CBO test, which actually balances the budget in 7 years or less, but we were able to get 218 votes in the House and 51 votes in the Senate. So we passed the two most important hurdles.

Mr. FOX of Pennsylvania. Mr. Speaker, the fact is that you have been working and struggling and hoping that we can get this bipartisan support, and I think we will eventually, because I think the American people are now saying, they want a balanced budget. They want the Federal services that the Government can provide where the States cannot take care of them better. What is surprising under that Republican plan that was sent to the President, Medicare spending would total $1.6 trillion, $724 billion more than was spent during the previous 7 years, a 63-percent increase.

□ 2030

When it comes to welfare, the Republican plan would have welfare spending total $878 billion during the next 7 years, $386 billion more than was spent during the last 7 years, a 78 percent increase.

Under Medicaid, the Republican plan gives States $791 billion in grant assistance over the next 7 years. That is $358 billion more than was spent during the previous 7 years, a 79 percent increase.

On education, under our plan the amount of money available for student loans increases nearly 50 percent during the next 7 years, rising from $24 billion in 1995 to $36 billion in 2002, and the number of student loans will increase from 6.6 million in 1995 to 7.1 million in 1996, the most ever made available.

Mr. GUTKNECHT. I want the gentleman from Pennsylvania [Mr. FOX] and I to come back to those numbers, but before we do, I want to go back to this basic point, the commitment to a 7-year balanced budget plan.

I want to read this quote again for the Members who are watching in their offices and perhaps Americans who are

watching at home: ''The President and the Congress shall.'' It does not say ''ought to,'' or ''it would be a good idea'' or ''may.'' It says, ''The President and the Congress shall enact legislation in the first session,'' that means before we start next year, ''of the 104th Congress to achieve a balanced budget not later than the fiscal year 2002 as estimated by the Congressional Budget Office.''

That is a direct quote. That is what the agreement was. That is what the President signed and, most important, that is currently Federal law. I guess it is good news and bad news.

The bad news is the President vetoed our attempt today at that plan. We had a plan that we felt very good about, that we felt we could defend. It met the CBO test and it met the vote test and we were able to get the votes to pass it here in the House. That is the bad news, that he vetoed our plan today.

The good news, though, is I think the President now is serious. I think the reason he is serious, as the late Senator from Illinois used to say, the late Everett Dirksen, ''The more I feel the heat, the more I see the light.'' I think the President is beginning to feel the heat and I think the administration understands that the American people want us to balance the budget in 7 years.

There is another important point that I think the American people want. The more I hear from the American people, the more I hear them saying they also want that tax relief, because they understand very, very well what it could mean to them and their families if the $500-per-child tax credit passes.

To many families, the average family with almost three children, let us say the average family with three kids in my district or your district, that is an extra $1,500 in their pockets every year, cash that they can spend to do some home improvements, to buy a new automobile, to take the kids on a vacation, a fishing vacation of some kind, or just to invest and save for the future for the kids' education. So that $500 per child tax credit, people understand very, very clearly.

Mr. FOX of Pennsylvania. Let me add to that, I agree with the gentleman from Minnesota [Mr. GUTKNECHT]. Beyond that, the tax reform that we have adopted in the House, and hopefully will be adopted by the President as well and signed into law, a joint bill from the Senate and the House, will in fact also give us some other items that are important.

It will give us the opportunity for the first time to have a new IRA for $2,000 for individuals, $4,000 for couples, an elder care tax credit, a capital gains tax reduction for individuals of 19 percent, for businesses 28 percent, which will give the infusion of more savings, new jobs, expansion of businesses.

It will help our seniors by rolling back the 1993 tax increase on Social Security benefits, together with the opportunity for seniors to earn more. Right now seniors under 70 are capped at $11,280, that they will have deductions from Social Security. But with the new law we just adopted here in the House, seniors will be able to earn up to $30,000 a year without those deductions from their Social Security.

Mr. GUTKNECHT. I think seniors can understand that. In fact, I met with one the other day working at a Wal-Mart store in Mankato. Her name is Muriel.

If you stop and think about it, in effect Muriel is paying among the highest tax rates of anybody in the United States. As a matter of fact, there is a very good chance that Muriel is paying a higher tax rate than Ross Perot and some of the wealthiest Americans.

The American people are not completely confident that we are going to be able to follow through on our promise to balance this budget in 7 years. They hope we do, they think we should, but the one thing they can understand is if next year they actually get this $500 per child tax credit.

Let us talk a little bit, and perhaps the gentleman from Pennsylvania [Mr. FOX] wants to talk about this chart as well, where the benefits really go, because some of our colleagues on the other side have attempted to sort of distort this issue and to explain that, well, this is a tax cut for the rich. I wonder if we could talk a little bit about this chart and where the benefits really go. Perhaps you want to share some of those ideas.

Mr. FOX of Pennsylvania. The fact is there are so many families who will benefit if this does get adopted. I wish you would explain to our colleagues on the floor tonight and those in their offices just what the percentages are, because the poster is closer to you.

Mr. GUTKNECHT. Let me just explain what this chart says. This is according to the Heritage Foundation, and they got the information from us.

The truth of the matter is that 89 percent of the benefit will go to families earning less than $75,000 a year. Let me repeat that. Eighty-nine percent of the benefit, of the $500-per-child tax credit, will go to families with incomes of less than $75,000 a year. If you look at it, only 4 percent will go to families earning more than $100,000 a year, and only 7 percent will to families earning between $75,000 and $100,000.

The truth of the matter is when you talk about this per-child family tax credit of $500, the overwhelming bulk of the benefit goes to average middle-class families, and that is the people we believe deserve the relief. As a matter of fact, you may have heard us talk about it before, that in 1950 the average family was sending about 3 percent of their gross income to the Federal Government. Today that number is up to 24.5 percent of their gross revenues are going to the Federal Government.

Families are the ones who need the tax relief the most. So what we are proposing is saying we believe, and I think the American people understand this better than the people here in Washington do, but we happen to believe that families can spend that money much more efficiently than the Federal Government. Let us allow them to keep more of their revenue, let them keep more of their income and spend it themselves, because they are the ones who know how to spend it the most efficiently.

As this chart underscores, even more important than anything I have seen is that the overwhelming amount of the benefit is going to go to middle and lower middle income families. We believe that is a good thing and, more importantly, the American people can understand this chart even better than the experts here in Washington.

I would like to welcome the gentleman from Las Vegas, NV [Mr. ENSIGN], the former Speaker of the House, to join us in this debate.

Mr. ENSIGN. I thank the gentleman from Minnesota for yielding.

I serve on the Committee on Ways and Means. We had a lot of debate this year about tax cuts. I am sure, as many of my colleagues in the freshman class, when we were out on the campaign trail last year there were a lot of us that were told by the American people that they feel this weight and this tremendous burden of the Federal Government, and this debt that they feel on them. They feel that more and more the working middle class is bearing this tremendous debt load, that career politicians that have been unable and unwilling to say no to the special interest groups have continued to put on them.

If we think back to the 1950's, and especially seniors remember this, the average family of four back in the 1950's paid about $1 out of $50 to the Federal Government. Today the average, just the average income family of four, pays about $1 out of $4 to the Federal Government.

The reason is, it has to do with what is happening with your chart, and that is that the personal exemption did not keep pace with inflation. If you look at virtually everything across the board, whether you are talking about a carton of milk or a loaf of bread or cars or houses, if you adjust for inflation, they all cost pretty much the same. Their earning dollars pretty much buy them the same thing they bought back in the 1950's.

The difference between the 1950's and today is the tax burden. That is the reason in a two-parent family that when one of the parents, especially when the children are young—and I just had a little girl that was born on Saturday.

Mr. GUTKNECHT. Have you named her yet?

Mr. ENSIGN. Yes, her name is Sienna.

Mr. GUTKNECHT. Sienna. Did you tell her about the debt she inherited when she was born?

Mr. ENSIGN. It is $187,000 this year. I try not to politicize my daughter's birth this year.

Fortunately, I am in an income category where my wife has chosen to stay home with the kids for the first 4 or 5 years of their life. We are fortunate to be in an income category to be able to afford that.

It used to be in the 1950's that the average income family could afford, in a two-parent family, if either the husband or the wife wanted to stay home and stay with the kids and nurture those kids, especially during those formative years, they could afford to do that. But today they cannot afford to do it, and it is not that they do not earn enough money. It is that the tax burden is too high, and that is one of the things that this $500 per child tax credit will do.

Mr. GUTKNECHT. That is basically what has happened in the last 30 or 40 years, is the Federal Government has grown in its influence over our daily lives and the family has actually diminished. What we are trying to do is reinforce families, because we know that the cornerstone of the western civilization is strong families.

So this is something that I feel—and you hate to always speak for the freshman class, I know you are a member of the class and the gentleman from Pennsylvania [Mr. FOX] is a member of the freshman class—but I think this is something we feel very, very strongly about. We are willing to negotiate in good faith with the President and the administration.

But in terms of ever giving up on the $500-per-child tax credit, I think it is one thing that I hope that our class and members of this side of the aisle will fight to the bitter end, because I think this is something the American people can understand. It is going to mean cash in their pockets. It is going to mean money that they get to spend rather than sending it to Washington, and I think that is really what the American people want.

I think they want us to downsize the Federal Government. They know it is inefficient, and frankly they are correct. The more I have been here, the more I have realized just how incredibly inefficient this Federal Government is, and the most efficient spender of resources in this country is the American family. Why should we not allow them to keep more of their money and spend it themselves?

Mr. ENSIGN. If the gentleman will yield, one of the things, this $245 billion number has been just demagogued to death because they talk about this huge tax cut.

Over the next 7 years, under the Republican proposal, we are going to spend about $12.2 trillion. If you think about $1 trillion, to get to $1 trillion, if you had a business that lost $1 million a day, 7 days a week, 365 days a year, you would have to have that business start at the time of Christ, till now, plus another almost 700 years to get to $1 trillion.

Mr. GUTKNECHT. So if you spent $1 million a day 365 days a year from the time of Christ until now.

Mr. ENSIGN. Plus 700 years. To get to $1 trillion.

In the last 7 years, the Federal Government spent a little over $9 trillion. Under the Republican proposal that you hear about all these cuts, we are going to spend a little over $12 trillion. President Clinton wants to spend almost $13 trillion. So the difference is not in whether we are cutting anything. The difference is whether we are going to increase Federal spending by $3 trillion or $4 trillion.

The reason I bring up those numbers, because they are so staggering and they are so hard to think about, is the dollars. These are tax, that is all that is, that is money raised from taxes. The $245 billion is less than 2 percent of the $12.2 trillion. That is what we are talking about. We are only talking about cutting taxes by 2 percent.

Mr. GUTKNECHT. So all of these tax cuts that we are hearing demagogued every day on the House floor represents only 2 percent of all the Federal spending over the next 7 years?

Mr. ENSIGN. Staggering numbers. That is why if we could just be honest with the American people, and I am sure you heard during your campaign, why can they not be honest with what they are telling us from Washington. Forget about this political spin, just be honest. If we can go to Medicare and tell people, and when you do this, the light bulb just goes off, they say, ''Why are they saying that?''

In Medicare, the total spending in Medicare over the last 7 years was a little over $900 billion, almost $1 trillion. The next 7 years under the Republican proposal, we will spend a little over $1.6 trillion. It is over $700 billion more. Not less. More. I know the educational system is not what it once was, but still, when you spend $700 billion more we still call that addition, and I still think they call that addition today. This is what certain people in this Congress are calling a cut, is $700 billion more spending.

I think the chart you have up there talks about some of the premiums, the part B premiums. That is the part that does to doctors. Part A trust fund is the part that goes to hospitals. Part B premiums and part B of the Medicare part is the part that goes to doctors. Why do you not explain a little bit about the differences between the Republican proposal and the Clinton proposal.

□ 2045

Mr. GUTKNECHT. I think it is important and instructive, and one of my favorite quotes is from John Adams, one of the Founders of this great country, and he said that facts are stubborn things, and that sort of is what we have been talking about is let us get the facts out there.

Interestingly enough, we just got back a rather in-depth poll. I do not think you should make public policy based upon polls. I think it does confirm instinctively what all of us believe; that is, if the American people are given facts, they overwhelmingly support what we are doing. As a matter of fact, the interesting thing is there was a separate poll we did a couple of weeks ago when they asked the American people essentially some of the questions that are being posed by some of the other national polling media outlets; for example, do you think the Republicans are cutting Medicare too much? Not surprising, a majority of Americans said ''yes.'' But when we explain to them in our poll what the numbers really were and that we were actually increasing total Medicare spending from something like $189 billion a year to $278 billion a year over only 7 years per year and——

Mr. ENSIGN. And per person.

Mr. GUTKNECHT. On a per capita basis, per recipient spending actually increases from $4,800 a year this year to $7,000 a year.

The interesting thing is when you tell the American people that, in one poll we did a few weeks ago, 63 percent, after they learned that information, after they heard the facts, they said you are increasing spending too much on Medicare.

So I think once we get our side of the story told, what this chart basically demonstrates is, while the administration has been demagoging to a certain degree, our Medicare part B premiums plan, the truth of the matter is, if you extend it out to the seventh year, we are really only talking about a difference between our plan and the President's plan of $4.80 a year. Now, that is almost nothing.

Mr. ENSIGN. The difference between the President's plan and our plan, how many years does that save Medicare? We save Medicare to what year versus what?

Mr. GUTKNECHT. With this chart, we are only talking about part B. When you are talking about the part A trust funds, when you start talking about the trust funds, we are talking about saving the Medicare system from imminent bankruptcy, which the trustees of the Medicare trust fund came out earlier in April and told us that there is a drastic——

Mr. ENSIGN. The Medicare trustees, who are they appointed by?

Mr. GUTKNECHT. Appointed by the President; I think three members of his own Cabinet.

Mr. ENSIGN. He appoints every single member of the trustees, as I recall?

Mr. GUTKNECHT. I believe that is correct. The point is they have no interest in telling us anything than the truth. What they said was, unless the Congress gets serious about reforming the Medicare system, it is going to go bankrupt in 7 years. It will not be able to make the payments.

I think everyone now acknowledges there is a serious problem. Again, we have advanced a plan which uses market-based reforms, which I think the American people can understand.

Essentially, one of the reasons they did not like the Clinton health care reform plans that came out a year and a half ago was they did not really believe the Federal Government could do a much more efficient job of running the health delivery system than the private sector. What we did was sort of change the whole notion. Let us see if we can use the things working so well in the private sector to help control costs in Medicare. I am absolutely confident our reform plans are going to work.

More important than that, I am convinced seniors who decide to participate in some of these new Medicare-plus programs that we are putting together and allowing to operate, I think, in the end of just a few years, many of them are going to say, ''Yes, I like this plan much better than what we had before,'' because they are going to have options, they are going to have choices, they are going to be treated like human beings, just like everybody else out there.

Mr. ENSIGN. You received just recently, like I did, like virtually every other Member of Congress and every Federal employee did during this enrollment period now, where we decide by January which plan we are going to have; I am holding up a card here and this card is a Blue Cross/Blue Shield card. You have the same card. Over 90 percent of the Members of the House of Representatives have this card. The Speaker of the House has this very same card.

What we are talking about here is something called a PPO. Seniors in the United States today do not have the same option to choose the health insurance that you and I have to choose, the same as the Speaker of the House has to choose. What we are doing, and, by the way, a PPO is managed care. The vast majority of Americans do not understand that a PPO is actually managed care. It is a very good managed care.

We are going to give the seniors options to be able to choose a PPO, just like you and I have the option each year to choose a PPO, and HMO, fee-for-service, medical savings accounts or these new things called provider sponsor organizations. Can you imagine, imagine this scenario, let us say we had all of those options currently in Medicare, can you imagine what would happen, what AARP would say to Members of Congress if we took a whole list of options that seniors had and now tried to reverse it and say no, no, no, we have got a better system for you; instead of having all of those options and all of those things, you can choose from each year, we are going to give you fee-for-service; in a couple of areas of the country we will give you HMOs. That is all you get. Can you imagine the uproar?

Mr. GUTKNECHT. They would not stand for it.

Mr. ENSIGN. We would have 34 million seniors marching on Washington tomorrow. That is exactly, I mean, if people think about it in that context, we are giving them more choices, more freedoms.

The chart you hold up is only people that stay in fee-for-service, and the people that choose PPOs, many of them will actually have less out-of-pocket expenses because they will not have, or these companies will be able to pay their Medicare part B premiums. They may get prescription drug coverage.

I have three grandmothers on Medicare. It is absolutely heartbreaking. Luckily, I am able to help some of my grandmothers, with different members of our family help, and sometimes if it was not for that, they would have to choose between what they ate that month and getting prescription drugs. Many seniors are in this same boat.

What we want to do is be able to offer seniors in all parts of the country so many choices they will have that option so they do not have to make the choice between what they eat that month and between getting prescription drugs.

So I think we just have to put the politics aside. Who cares whether it is Democrats, whether it is Republicans? We have to put the politics aside and do what is right for this country.

Mr. GUTKNECHT. The American people, I think, understand this. In fact, when you talk about health care reform, if you look at what has happened in the private sector over the last number of years, we have literally seen the reforms with the various kinds of managed care and much more sophisticated kinds of managed care which are doing an incredibly good job of controlling the growth in health care costs. As a matter of fact, in the State of Minnesota, where we have probably more managed care than virtually any other State in the Union, we have seen health care costs over the last 18 months increasing at only about 1.1 percent.

If you look at the private or at the public sector side, if you look at Medicare or Medicaid, we have had health care inflation at a rate of 10.5 percent. So the truth of the matter is we absolutely know that managed care will work. It will help control costs.

But more important than that, in the State of Minnesota, we had a study that was done where they interviewed over 17,000 recipients of health care and asked them about how satisfied they were with their health care, and the interesting thing was among seniors who were already in some kind of managed care, their satisfaction with the plan that they have is 3 times greater than those who were in the standard Medicare fee-for-service plan.

So it is not just about saving costs. It is not just about squeezing out some of the waste and mismanagement which we know is there.

I think the gentleman from Pennsylvania [Mr. FOX] has done more to study the whole issue of waste, fraud and abuse in the health care system than anybody. I think if you create these managed care systems and create competition out there, we are going to attack that waste, fraud and abuse so we have more health care for fewer dollars.

Mr. FOX of Pennsylvania. I appreciate your leadership as well as the gentleman from Nevada [Mr. ENSIGN] as well as the gentleman from California [Mr. CUNNINGHAM].

We can achieve savings we want by making sure we attack for the first time that health care fraud. Medicare fraud is $30 billion a year. By getting that savings, by offering choice, reducing paperwork costs and making sure we have an efficient system, health care will be preserved for our seniors under Medicare, and we can balance the budget, and I know that the gentleman from California [Mr. CUNNINGHAM] from his own experience can tell us about parts of the balanced budget amendment and the Balanced Budget Act that relates to his district, if he could join us in this discussion for that purpose.

Mr. GUTKNECHT. He is not a freshman, but we will allow him in on this debate, the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. If you remember, it was our freshman class when I went aboard 5 years ago that had the gang of 7 that closed down the House bank, that found out they were selling cocaine downstairs here, and brought the check scandal to fruition. I think it was the first radical group to come in to make change, and the sophomore class followed, and the 75 young Turks that came in after that have done a bang-up job.

I thank you for yielding, and one of the things I would like to talk to is that, you know, some of the more radical Members on the other side of the aisle say that, well, we are cutting education, we are cutting the environment, we are cutting, hurting senior citizens.

Unfortunately, this place is about power. It is about the power to be reelected. The power to be reelected over the last 40 years means the power to disburse money from the Federal Government down to the lower ranks so they are going to vote for you so you can get reelected so that you have got the power, and to support that you need the big bureaucracy to support the flow of the money so you can get reelected so you have got the power.

What we are doing, and I think the American people would have a legitimate complaint if this Congress and the Republicans were trying to shift that power to the Republican Party, but the whole agenda and a balanced budget amendment and the agenda that we are trying to do is take that power not to Republicans but to the American people, to the States, where it can be more effectively used. We believe that government works closest to the people and it works best there.

You will hear over and over and over again by more liberal Members from Congress here that this is the only place that those decisions can be made. The States cannot make those decisions because in the past they have failed and that they are the only ones that can tell the American people how to do their business. That is a good issue.

Mr. GUTKNECHT. That is so important because I think there is sort of this argument that if we do not do the spending, if we do not do the regulating, if we do not do not the controlling, it will not get done. This is not a debate about how much money is going to be spent on education, how much money is going to be spent on nutrition or how much is going to be spent on health care. This is really a fundamental debate about who going to do the spending and who can do it more efficiently.

Wht we are really talking about, as you say, you said it so well, is returning more of that decisionmaking back to the States and, more importantly, wherever possible and with the $500 per child tax credit, giving it back to the families because families are much more efficient than local governments, and local governments are much more efficient than State governments, and State governments are far more efficient than Federal Governments. That is why we are talking about welfare reform. We need to talk a little more about that because, again, I think the American people are so far out in front of us it is not even funny. I think they know the welfare system that has been created, controlled, directed, and regulated by the Federal Government has been an abysmal failure. They do not have to go very far in any direction, particularly if they come to this city, to see the results of 30 years of the social welfare state.

As a matter of fact, here in Washington, DC, if we go 10 blocks literally in any direction from this Capitol, you will see the results of 30 years of the social welfare state, and the results are devastating and not just in terms of the total costs. We all know we have spent over $5 trillion over the last 30 years, but the real cost is in the human cost because we have replaced self-reliance and families with debt, dependency and despair, and that is what the American people want changed. They know the real way is to send it back to the States through block grants to allow local communities and local individuals to help those who need the help.

Mr. CUNNINGHAM. Let me be very specific. I would like, Mr. Speaker, for you to listen to these figures because they are accurate and they are important in this debate. The Federal Government only supports 7 percent of education funding, 7 percent. 93 percent of all education is paid for out of State tax dollars.

Now, of that 7 percent that we send to States, it occupies over 50 percent of the rules and regulations and burden on the State itself. It represents 75 percent of the paperwork that the State and the schools have to go through that tie up portions of the 93 cents that comes out of the State tax dollars.

Mr. GUTKNECHT. Say that again. I think that needs to be repeated. That it is a powerful set of statistics.

Mr. CUNNINGHAM. It is. It is very accurate. It is accurate for any State you go into. We happen to have one in eight Americans lives in the State of California. It is the same for any one of the States. The Federal Government only provides 7 percent of the funding for education. 93 percent, or 93 cents out of every dollar, comes out of the State. But yet of that 7 cents, 50 percent of the rules and regulations that tie up the State comes out of that 7 percent of funding from the Federal Government, 75 percent of the paperwork, and by getting back, and for example, my colleague says, well, you look, you cut out Goals 2000, you cut out all the funds for Goals 2000, what a great program. Well, if I send the money directly to the State and the State likes Goal 2000, the Governors have told us they can do a Goals 2000 program much more efficiently. They do not have the Federal rules and regulations, and they will argue, well, it is all voluntary. In the Goals 2000 bill there are 48 instances that say ''States will,'' and requires reporting, requires paperwork, and guess what, on the other end it takes Federal bureaucrats to take in that information, to record it and so on.

My wife is a principal. She has to write grants for Goals 2000, and they receive some of the dollars. Many of the schools set up and hire people to write grants. They do not get the dollars, in most cases. Even in the cases they do, quite often, if it is not a larger school, the amount of dollars they get is not as much as it costs to pay the grant writer and to perform the rules and the regulations and the paperwork that comes back to Washington, DC.

□ 2100

So when they say we are cutting, we are actually providing more dollars and more efficiency to the States. And those savings; guess what? Those savings go to balance the budget, and in the case of the education bill, Mr. Speaker, some of those savings went up to NIH for medical research on AIDS, and heart disease, and some of the things that I believe most people in America believe are of national interest and that the Federal Government is the one that can host. So I get kind of upset when they say that we are cutting education, and they say I think the gentleman covered the student finances and the student loans. We are providing more money for student loans than ever in the history. But guess where the savings come from? The President's bill on direct lending, and I would like to give you, Mr. Speaker, some accurate figures as well, if I can find them here, that what the costs of the President's direct lending costs us.

The President asks, or the President's costs, cost $1 billion over the next 7 years more than private student loans, $1 billion for the direct loan period, and guess what? CBO and OMB have not even calculated what it costs to collect those loans. That is just the distribution of it. So when we say——

Mr. GUTKNECHT. That is just the overhead.

Mr. CUNNINGHAM. Just the overhead, $1 billion more than sending it to the private enterprises, but yet our colleagues say, well, that is only for the rich, that is for your loan guys, and that is for your banks. Well, I can do something cheaper and better and provide more loans to the students that really need them, and the Pell grants which have been increased higher than any other level in the time of history, then I think that is better, instead again of having the Federal Government up here being able to dole out the money, and guess what? That direct student loan program, the President wanted billions more dollars to increase it by fourscore, and that would make the Department of Education the biggest lending entity in the world, I mean other than the World Bank, and that is what they want. They want that power of the Federal dollars to come down so that they can say, well, look at the grant that I gave you here.

But they forget one thing, Mr. Speaker. They forget where the money came from in the first place. It is not their money. They take if from the very people, send it up here, and let me give you another accurate figure, Mr. Speaker, and this is one for my colleague to remember also. Only 23 cents out of every dollar that comes to Washington gets back into the classroom, 23 cents on every dollar.

Mr. GUTKNECHT. That is a pretty poor return on the investment.

Mr. CUNNINGHAM. Only 30 cents in welfare gets down to the recipients that really need the welfare check because of all the bureaucracy.

Now my colleagues on the other side of the aisle or this side of the aisle, or the American public, you cannot run a business like that, and what the Governors have come to us and said is let us have the dollars, you do not want children to go hungry, you want the needy to be taken care of, you want the help. But you have got 144-some welfare programs, you have got 250 education programs. Let us set our own State standards, give us the money, do away with the Federal requirements and the bureaucracy, and we can make it more efficient. And guess what? We can apply those savings to the deficit and reduce, and what you have been talking about, what Alan Greenspan said, is that interest rates have already come down 2 percent.

Why? Because the lending institutions for the first time in over 40 years believe that Congress is serious about

balancing the budget, and if that expectation goes away, those interest rates would not only go back to where they were, they will spiral upward and upward, and then look what it costs for a student loan in the increased interest. Look what it costs for a home with increased interest.

I do not know about you, but most Americans, when interest rates came down, they refinanced their home, and I would encourage you, Mr. Speaker, if you have not done it already, take a serious look because it is going to be cheaper on your payments, and what does that mean? It means more dollars in the pockets of the American people.

And these are some of the things on education, and I have a special order later tonight that I want to go through in depth some of these same issues on education and go through grant by grant, loan by loan, education bill and education program by education program and show what we have really done. If you say cut at a Federal level, yes, I will zero out any program I can at a Federal level and pass it on down to the State because I think and believe from the bottom of my heart it is much more efficient, it is closer to the people, and they can decide better where those dollars will be used, and I think that is what we are trying to do here.

Mr. GUTKNECHT. The examples you have given, Congressman CUNNINGHAM, are so good, and frankly I think the American people instinctively understand just what you have talked about tonight. They understand that what we really need to do is localize, and privatize, and downsize this Federal Government, and that is what we are trying to do, and when they talk about cuts in education, we are talking about moving more of that educational decisionmaking back to the States, local units, and to families where they can make their own decisions about what they are going to do with their kids and the schools that they have, and frankly I think every American family understands this. They care much more about their kids' education than some bureaucrat in Washington.

You know we can all talk about caring, and everybody talks about compassion, but real caring and real compassion happens around the kitchen table. It is families that care most about their kids' education, and that is what we want to get back to, and the waste and mismanagement here in this city, as I say, is just awesome, and I know you are going to talk a little bit about Bosnia, and I want to hear a little more, and I see Congressman DORNAN is here tonight as well to talk a little bit about military affairs, and I believe in a strong defense, but just look at the Defense Department and the amount of waste, and duplication, and mismanagement that we see, and I know that your other colleague from San Diego once told me, Congressman HUNTER, about how many buyers they have at the Pentagon.

Mr. CUNNINGHAM. Congressman who?

Mr. GUTKNECHT. HUNTER.

Mr. CUNNINGHAM. Congressman who?

Mr. GUTKNECHT. Congressman DUNCAN HUNTER.

Mr. CUNNINGHAM. Congressman who?

Mr. GUTKNECHT. DUNCAN HUNTER.

Mr. CUNNINGHAM. He told me to mention his name three times.

Mr. GUTKNECHT. Why? The duck comes down and you win 50 bucks?

But he talked about how may buyers, and it is like 106,000 buyers in the Department of Defense. We have 1,646 buyers for every F–16 we buy, and we buy 1 or 2 a week, something like that, and it is replete throughout the Federal Government. We all know that, the people that we serve know that, and the interesting thing, and we talked a little bit earlier about the megapoll that we did; it just confirms, I think, the common sense we all have, and that is once the American people understand what we are doing, once they see how much we are actually going to be spending, if anything the criticism is that we are still spending too much. Our budget calls for almost $12.1 trillion worth of spending over the next 7 years, and if you divide that up, it works out to over $46,500 in Federal spending for every man, woman, and child in the United States.

Let me say that again. Over the next 7 years, Mr. Speaker, our budget plan, which the President vetoed today as cutting too much, will spend $46,500 for every man, woman, and child in the United States.

Now what we are saying, I think in very simple language, we believe the $12.2 trillion is more than enough to fund the legitimate needs of this Federal Government and to take care of those people who depend on the Federal Government for various services; $12.1 trillion is more than enough. $13 trillion will bust the bank, and it will bust the taxpayers. In fact I think, if we can get the American people to look more at the facts of our budget, I think they will come to the same conclusion that we have come to, and that is that our budget is fair, it is reasonable, it is responsible, and it is long overdue.

And so I think the budget that we are talking about is one that is good for the American people. As you said, long term it is going to bring interest rates down even more so Americans will have more of their own money to spend. They will not have to spend so much in interest. It will make student loans more available and more affordable. In fact the average family, according to Alan Greenspan, if we can stay on this balanced-budget plan over the next 7 years, the average family with a $100,000 mortgage—in fact the average mortgage in the State of Minnesota is $93,600—they will save almost $3,000 a year in interest as opposed to what they would have spent or will spend if we do not really get serious about——

Mr. CUNNINGHAM. They can use it for their child's education, for medical bills, first-time home buyers, or they can even put it away for an IRA to save for when they become chronologically gifted folks.

Mr. GUTKNECHT. It is about the difference between government responsibility and Federal responsibility and getting back more personal responsibility. Let the people make their own decisions, let them spend their own money, because we think they can spend it more efficiently than this Federal Government.

As I say, I think the American people, once they know the facts, will again conclude that our budget spends more than enough to meet the legitimate needs of this Federal Government and that the target numbers we are working with, they are fair, they are reasonable, they are responsible, and, as I say, they are long overdue.

I want to yield some time to you and talk about the other major issue that is confronting this Congress, and this Government, this country, and this world, and that is about Bosnia, and it has been particularly frustrating for me as a freshman Member because things happen pretty fast around here, but I would suspect that most of America, I know all of our colleagues know, that you were one of the most decorated Navy pilots in the Vietnam war, and I think when you talk about military issues and particularly about brushfire wars, and political wars, of civil wars around the world, you speak with a special degree of expertise, and so I want to yield some time to you, and so I welcome one of the other world experts on foreign policy and military affairs.

Mr. CUNNINGHAM. Do we have to give time to that Air Force guy?

Mr. GUTKNECHT. The gentleman from the Air Force, flew F–100's at one time and perhaps maybe he still does, but I would yield first to Congressman CUNNINGHAM.

Mr. CUNNINGHAM. I thank the gentleman for yielding, and like I said, I have got an hour special order after this, and I will take up afterward. But what I would like to go through, Mr. Speaker, is what I found is many of the Members on the other side of the aisle, as well as Members on this side of the aisle, are concerned about the other issues that we have talked about, budget debate and across the board. They do not serve on National Security. They are not directly involved with the Bosnia issue, but it is of great concern to them, and they do not have the time to really go out and find out the information.

What I would like to do first is kind of set the stage, if my friend, the gentleman from California [Mr. DORNAN] would allow me, to just kind of go through and name the players. Later on in the evening I would like to go through the history of the portions of the world that we are talking about going into in Bosnia, from over 600

years ago on the Field of Flowers and the time of Hugo through the revolution where Nazis invaded Yugoslavia, the former Yugoslavia, back in the 1940's. First of all I would like to go through the players, Mr. Speaker, because, as I said, many people do not associate names, places, religions, with individual groups.

For example, Alija Izetbegovic; he is a Bosnian Muslim, but when someone talks about talking about Sarajevo or Bosnia and Herzegovina, they do not necessarily tie the two together. So Izetbegovic is a Bosnian Muslim that is primarily responsible in the Bosnia and Herzegovina area, and primarily Sarajevo, which is where there are headquarters. Now Izetbegovic, like Tudjman, who is a Croatian, is of Roman Catholic descent, and you talk about Zagreb when you talk about that particular portion of their Croatian nationalism. They also during World War II, if you take a look at the two groups, their Croatians fought alongside with Nazi Germany, and they were called the Ustase. They formed the only Nazi concentration camp outside of Germany where they executed and ethnically cleansed over a million and a half Serbs, Jews, and gypsies at one time, and if you take a look also at Franjo Tudjman, Croatian, Roman Catholic, Zagreb, the World War II association was with the Ustase in Nazi Germany. If you look at Slobodan Milosevic, we talk about he is the head of Serbia, not Bosnian Serb, but Serbia, greater Serbia itself. That is a group of Orthodox Catholics. The difference between the two groups; one is Orthodox Catholic, the other is Roman Catholic in the religious affiliations, and of course Milosevic is in Belgrade, and if you look at that portion of the world during World War II, there were three basic groups: the Chetniks which fought under Mihailovic, the Ustase, which were associated with the Nazi Germans, and then you had a well-known man named Tito. He was with the partisans, which was a group of people that fought with the greater Russian Communists. Mihailovic fought for greater Yugoslavia, Tito fought for communism and a greater Russia, so that there is a big conflict, not a conflict but a misunderstanding, of the players and where they really came from.

□ 2115

Let me go into also the number of troops under this agreement that will be placed into Bosnia. Great Britain has come up with 13,000 troops, France 7,500 troops, Spain 4,000, Italy 2,000, Germany 4,000, other NATO countries 2,500, Russia 2,000 troops; and the United States, where they say 20,000 troops, the actual number of troops there, and that will be deployed, will be 32,000 troops, not 20,300 troops.

Let me go through, and then I would yield back over to my friend, if he likes, let me go over some of the history perspectives of the area, Mr. Speaker. As I said, many people that are not historians, that have not looked at the issues, have not read the books, they have not gone through the list of that portion of the world.

As early as 1389, and let me repeat that so there is no confusion, 1389 on the Field of Blackbirds, some call it the Field of Flowers, saw the Serbian Empire defeated by the Turks. By the end of June, the time of Yugo, former Yugoslavia was dominated by the Turkish Moslems. June 28 today is celebrated much like our Fourth of July in Bosnia, as Independence Day, because it was 600 years of domination of the Ottoman Turks. That is how the same basic ethnic group changed from Serbian to Croatian to Moslem, and the Moslem came from the Turkish Moslem, the Suni Moslem.

Mr. DORNAN. If the gentleman will yield for a 1-minute elaboration, DUKE, I found out that no matter how good I am or you are, some of our supporters out there have said sometimes a dialog is good. It gets the juices going. We cannot tell the colonel in the chair there, our good Marine Speaker pro tem, to get a cup of coffee or tea, but I am telling people if they want to continue to listen to you, they are going to learn something from you and from me tonight, as they just learned a lot from the gentleman from Minnesota [Mr. GUTKNECHT].

I want to flesh this out. This is not a movie, they must listen to us. Let me flesh out why Serbians treat as though it were 2 years ago the battle in the Field of Blackbirds at Kosovo Poije. Here is what happened. Prince Lazar, a tall, handsome Serbian knight, sets up to do battle with the Sultan of the Ottoman Empire. He had 400 concubines in Topkapi; interesting place when people go to Istanbul to visit the blue mosque, hundreds of years old, and Hagia Sofia, built by, oh, my gosh, Justinian up here in the corner in 532.

The Sultan had reigned for 29 years. Roosevelt got a fourth term, and about 82 days into a 13th year. Thirty-nine years, Sultan Murad, sounds like something for the eyes, Murad I ruled for 29 years. The Serbs were winning, and a Serbian noble, Miloc, that is why so many children are named Milo or Milan or Miloc, Miloc Kobolic pretends to be a deserter—what you guys in Vietnam called the chu hoi program, come over to our side—in all his knightly armor and garb, a swashbuckling figure, for the mind to conjure this up and know that it is better than anything they do in Hollywood with their fake violence and untrue stories, just a will to fiction.

He works his way into the tent of a 29-year ruling Sultan and stabs him to death with a poison dagger. He dies a violent death of torture, and for a while it was pandemonium. It looked like the Serbs had won the day, yet again to save Christendom from the Islamic forces that had gone all the way across North Africa, across the Strait of Gibraltar and conquered most of Spain, driving out, if they would not convert, and killing the Christians and ending the Christendom of St. Augustine in all of North Africa. His son, Sultan Murad's son Bayezid, rallies his forces and inflicts a crushing defeat on the Serbs. They capture and torture to death the leader, Prince Lazar.

The Serbs are then forced to pay tribute for decades, turn over many of their women, and promise to do military service in now young Sultan Bayezid's forces for decades.

Then the second Battle of Kosovo is fought 59 years later, and the Serbs again almost win. The old date is 15 June, like Waterloo, but you are right, 28 June. And where have we heard that date on this floor before? 28 June 1914 caused George M. Cohen to write ''Over There,'' ''And we won't be back till it's over over there,'' and my dad gets three Purple Hearts, then wound chevrons, poison gas, 11 million of the flower of European youth killed.

That started not too far from Kosovo, to the west a little bit, in the city of Sarajevo where a 19-year-old knowing that if he was going to be hit man, he had to move fast, because if he turned 20 he would have gotten capital punishment. And Gavrilo Princip at 19, in Sarajevo, on a street much narrower than the distance between the gentleman and me, he shoots to death the Archduke Ferdinand of the Austral-Hungarian Empire, the heir-apparent, his beautiful wife Sofia, nicks the driver of this big car. And the killing is on, and it has not stopped for this whole bloody era.

That is why, when you speak for the Serbs, and you jumped on me a little bit yesterday because in the abbreviated time I'm trying to be fair to Serbs, Croatians, and Moslems here, but the Serbs saved Christendom, as did the Hungarians, as did the Austrians, as did a whole area of southern Europe, held the line, saved Vienna, saved Malta, won the Battle of Leponto in 1571, that is almost two centuries later. This went on for half of this millenium we are ending in 4 years. Just wanted to know, fact is better than fiction.

Mr. GUTKNECHT. Mr. Speaker, if I could reclaim my time, my hour is going to expire quickly and then you guys are going to have at it for another hour. But I just want to say that I think this is important.

I said earlier that facts are stubborn things. And I think it was Patrick Henry who said that the price of liberty is eternal vigilance. The American people need to get plugged into this discussion, whether we are talking about Bosnia or the budget, because I think the American people in many respects are going to be the final arbiters of this debate. I thank you so much for sharing with us the history, because the more you learn about that region, the more you learn about this agreement, the more you learn about what is going on over there, the more troubling this whole story becomes.

The real trouble is they are going to be our kids, and they are just kids for

the most part. You see them out here exercising with the various honor guards and color guards and so forth, and you cannot help but feel proud of them. But many of those kids are going to get hurt, they are going to get killed, they are going to get wounded. The American people need to tune into this debate because facts are stubborn things, and the price of liberty is eternal vigilance. The American people, I hope, will be tuned into your discussion as you go on for the next hour.

The SPEAKER pro tempore (Mr. LONGLEY). Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

[Mr. ABERCROMBIE. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HISTORY OF THE FORMER YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN]. I do not think there is anybody on the floor who knows history, accurately, as my friend from California.

Mr. Speaker, why is it so important, the time of the Field of Blackbirds, the time the Turks took over the Serbian Empire? What significance does that have for us, today, Mr. Speaker? From 1389, June 28 to June 28 in 1989, kind of the start of the problems we have in Bosnia-Herzegovina, in former Yugoslavia, because on June 28, 1989, Slobodan Milosevic, remember he is the Serbian out of Belgrade, spoke to national Yugoslavia and spoke about a former and a greater Yugoslavia.

At the same time and even prior to this, in 1980, prior to the 600th anniversary of the time of Yugo and the Field of Blackbirds, the Croatians, Franjo Tudjman spoke of the same Croatian national goals for Yugoslavia, which included the eviction of Serbs occupying the greater Croatia. The problem with that, we do not believe that either Milosevic or Tudman wanted an all-out war. It would cost too much and too much bloodshed. What they did want is as much of the Croatian and Serbian Empire for themselves under a greater Yugoslavia than they had. The problem was that at the same time, it kind of got out of hand. The Bosnian Moslems that we associate, again, primarily with Sarajevo, were kind of caught in the middle of this thing. They were the minority. They were forced, I believe, into a shotgun wedding with the Croatians, but quite often, the Moslems, the Bosnian Moslems, found themselves at odds with both the Croatians and with the Serbians, and both groups were killing the other.

At a time when the Moslems thought that they had no one to turn to, the United States did not support them, the Croatians were beating up on them, the Serbians were beating up on them, they accepted with open arms the Middle East Mujaheddin groups, and there are over 4,000 of them there today.

This is one of the groups we are very concerned about. This is not the Bosnian Moslems, the more moderate. This is the Islamic terrorists and fundamentalists that come out of Iran, Iraq, Afghanistan, Egypt, and some of the other Middle East countries. They are sworn to a national Jihad.

Germany sees its economic future in the hands of the Balkans. Greece is also concerned about further expansionism into Greece by the Turks and the Turkish Moslems, so it is a problem. The Germans, Croats, and Slavs are Roman Catholic. The Turks, the Bosnians, the Macedonians and Montenegrans are primarily Moslems. The Russians and Serbs are Orthodox Catholics.

Now let me back up just a little bit in time, Mr. Speaker, from going from 1389 to 1989 in the history when this was significant to both the Croatians and the Serbians, when Serbia was taken over by the Ottoman Turks. During World War II, and this is prior to Pearl Harbor in 1941, Germans attacked and invaded Yugoslavia itself. the Serbians united with Russia and the United States. Let me repeat that. The Serbians united with Russia and the United States.

There were two primary groups that fought with the United States and with Russia. They were the Chetniks, led by Micholevic, that were interested in a greater Yugoslavia; and then there was Tito, who was a Russian Communist, who was there to promote primarily Russian communism; two factions, but all fighting against the Nazis.

The Croatians and most of the Moslems fought with the Ustase in support of Nazi Germany. Germany built a concentration camp at Janocevic and killed 1.5 million Serbs, Jews, and Gypsies. During the 1980's Croatian nationalism movement under Tudjman, and the Croatians adopted, and this is now back at 1980, you can imagine the concern of most of the Serbians and some of the Moslems when the Croatians donned the old uniforms of Nazi Germany in the nationalistic movement which Tudjman was pushing on the other side of the Serb nationalistic movement, and the fears cam to fruition.

I recently attended, last year, a banquet in which over 400 allied U.S. pilots were giving homage to the Serbs. Why? I remember the old Humphrey Bogart movies when the underground got our allied pilots and French pilots and the British pilots and United States pilots, most of them were with the Army Air Corps at that time, but they got out through the underground, our allied pilots. In 1990, France and Great Britian allied themselves with Croatia against their cold war enemy, because after the war, Russia in the cold war also became the warring enemy with the United States.

As early as 1991 Tudjman, again, Tudjman with the Croatians, and Milosevic with the Serbians, hoping to actually avoid a war in 1991, sat down and sought out a reconciliation at Kraziavo. They split Bosnia-Herzegovina between Serbia and Croatia, much like the Ohio agreement had done over the last month. The West insisted, however, on a Bosnia-Herzegovina Moslem state, which suited the goals of Izetbegovic, again, the head of the Bosnian Moslems. It also suited the radical Islamic movement.

The Dayton agreement also splits the area, but guess who is in disconcert with that agreement the most? Izetbegovic, because again, it splits up Bosnia-Herzegovina, primarily between the Serbs and the Croatians, and gives the Moslems not the Moslem state that they originally wanted.

☐ 2130

General Lewis MacKenzie, former head and commander of the United Nations, and I quote, ''Izetbegovic wants the entire country back.'' Now, this is General Lewis MacKenzie, the Canadian and head of the U.N. forces. In testimony before the Committee on National Security, when asked if he would commit United States troops in Bosnia, he added, ''I would not touch it with a 10-foot pole.'' At the same time the media reports from Bosnia and Sarajevo supported President Clinton against the Serbs.

In 1994 and 1995, Bosnian Muslims established the Mujahideen Third Corps. Today there are over 4,000 radical Islamic fighters in organizations in Bosnia, and many of those, Mr. Speaker, have integrated into the regular forces. So when they talk about, in the agreement, they are going to eliminate those forces, those are the forces that are sworn to fight against the United States.

Brigadier General Bastimas, commander of the U.N. military observes in Bosnia, and General MacKenzie have said that it was a Muslim who provoked the Serbian attack on Garazde. Brigadier General Bastimas criticized the United States media campaign and President Clinton's failings to recognize the Muslim trap set in Sarajevo.

Another thing that bothers me, Mr. Speaker, is that the press jumps out, and we say we are going to treat all sides equal, but yet we have the biggest dog in town. If there is an incident and the press jumps on it and the President reacts, let me give you a couple of examples.

The press reported that the 40 Muslims killed in Sarajevo was through a Serbian Shell, mortar. The French, the Russian and the British bomb experts have stated, and I can publish and show you the articles and submit them for the RECORD, that it was a Muslim preplanted bomb, that they just so happened to have photographers there,

that they just so happened to have the cameras there, so that they knew that they were going to lose Bosnia-Herzegovina; and these are not the Bosnian Muslims, these are the radicals, that set a bomb to go off so that the United States again would go after the Serbs and they would get a bigger piece of the pie.

Remember, Mr. Speaker, when the press said that Captain O'Grady, who was shot down in his F–16 during the helicopter rescue that the Serbs fired at him. General Shalikashvili in testimony before the Committee on National Security testified that Captain O'Grady was not shot at by the Serbs, he was not shot at until after he got over Croatia.

These are the kinds of things that immediate reaction, when we are going to go and hit somebody and follow the media and take a look at that, it concerns me. Because I think that General MacKenzie also testified before the Committee on National Security, and my friend Mr. DORNAN was there. He said that what will happen is that these fundamentalist groups will fire a shell from the Serbian side and blame it on the Serbians just so that they can get more bargaining power.

Izetbegovic is the biggest loser in Ohio. Let me read here a direct quote. I quote from Commander Abu Al-Ma'ali; he is the commander of the Mujahideen in Bosnia. ''To all of you Muslims of the world, we send you our appeal, which we have reported and are still repeating, to rise up in support of your brothers and remove the obstacles from around you.

Those attempts are led by the United States in the Crusade West. We know that we will have a day in which to fight, and I quote, ''The Jews and the Almighty grant us victory.'' And we also know the best soldiers will fight the Christians. We disbelieve in the United States and its allies; we disbelieve in the transgressors and their religion, and we will have relied only on Al-Ma'ali.

I would like to make it very clear, Mr. Speaker, we are not talking about Muslims. There are as many radicals within the Christian faith as there are, when we look at Israel that recently had the tragedy there, when we look in our own country, when we look at the Muslims across in the Middle East, there are as many fine Muslims as there are Christians, but these are radical groups we are going to have to contend with, Mr. Speaker, and it scares me.

I would yield to my friend; I have gone on for a little bit with the history of this. I have more in my hour, but I would be happy to yield to the gentleman, and then I will continue with some of this education.

Mr. DORNAN. Excellent. Mr. CUNNINGHAM, I think, because you and I are substantially in agreement on this and have emphasized different aspects in the name of freedom, of trying to educate our colleagues, whoever is sitting in the Speaker's chair, and this gentleman and I, Mr. LONGLEY, as a marine lieutenant colonel active reservist in uniform, on summer drill, was in the NATO headquarters when we were both briefed, he on active duty, me as a visiting double Chairman of the Committee on Intelligence and Military Personnel of the Committee on National Security, and we both heard everybody in agreement from all NATO nations in attendance; there were about 7 or 8 represented out of the 16.

When I asked about the provocations from all sides and would one side do something to make another side look bad, they all nodded in agreement that it was a very gnarly situation.

Now, a few days after we were briefed, I went with Congressman GREG LAUGHLIN of Texas to meet with Akashi, who has now been, I guess ''fired'' is the nondecorous word, he has now been sent back to New York, probably with a big raise. They have another U.N. representative sitting there in the U.N. headquarters in Zagreb, Croatia.

While we were with him on Friday, August 25, I guess I saw the Speaker pro tempore on the 24th, we warned him, Mr. LAUGHLIN and myself, I was the leader of the CODEL, so I went first, that he was not qualified. Mr. Yasushi Akashi picked targets. I was sitting there thinking about LBJ picking targets for you as a naval combat pilot or the attack pilots below you that you were mid-capping, and I said, you are not qualified. He all but said, well, how did you like the targets I picked, the ammunition dumps last April?

I said, wait a minute. You mean the outhouses with some small arms ammo that blew up around Pale? I said, those are not targets, we are talking about Brcko, and blowing up huge massive concentrations of ammunition. We are talking about hitting communication sites and everything.

That next Monday on the 28th, the mortars hit Tuzla. Some people think the mortars were fired provocatively by Muslims. I do not know if they are agents provocateur, as Jane Fonda used to like to say, they were Croatian Bosnians, or whether the Serbian Bosnians did it with or without checking with Belgrade. But people were blown all over the marketplace. Dozens wounded, several dozens died on the spot before they could get medical aid.

That was the 28th, and by the 30th, as we were about to leave the country for Milan, the bombing started. I said to my CODEL three escort officers, Greg and myself, look, let's get the embassy van and head back to Aviano. It is just a 3-hour drive across northern Italy. Let us be there when the pilots come home from those strikes. While we were there in the operations center, the French plane got shot down.

Now, that is a fighter pilot, and I am a peacetime fighter pilot. You know there is a brotherhood in the air for allies, and years and years after the war, even between former enemies. Those are our brothers up there, those two Frenchmen. That Mirage could have been a 2-seat F–15E; it could have been a 4-man EA–6B Intruder or Prowler, it could have been a Navy bird.

The first airplane I greeted back was a Navy bird with a reservist, a Marine Captain, an active duty Navy, and an active duty Navy reservist and, I mean a reservist on reserve duty from the States, a mixed 4-man crew that had just flown a 6½ hour mission controlling that very French plane that went down.

Now I am told at the Pentagon this morning, early morning briefing, that our Pentagon at least suspects the two French pilots have been murdered.

Now, the Serbs did have them, the Bosnian Serbs, because they released photographs that he had taken of the two Frenchmen. I showed them to you the other day and their legs looked like they had mild sprained ankles or something, or maybe they shot them in the legs so they would not escape, but they looked in pretty good shape.

One of them reminded me of you, Captain Frederique Chiffot, two Fs. He is looking at the camera with a grimace like, I am resisting, I will hang on; looked like a typical tough Frenchman in the Foreign Legion or the gendarmerie. This guy was great.

So they may be murdered. Why? Why could they not be turned over? Where was Milosevic's role?

Here is what I want to present. We are right now in healthy disagreement on this, on what we do tomorrow. First of all, I am getting jockied to run by the conference. Let's assume the whole audience of 1.7 million and our great Speaker pro tempore stayed with me through the night. I got 20 calls tonight, is DORNAN going to speak again?

Here is what I told them last night. I turned in the letter of 50 plus, 64, I demanded a conference, I was told we could not have it today, we would get it tomorrow morning and we would discuss this for an hour or two hours, closed doors, no staff except NEWT's and the majority leader ARMEY staff; and now I am told that we have my conference and it is going to be at 5 o'clock, but something is wrong with that, because we are going to adjourn with legislative business at 4, there are no votes on Friday, there are no votes on Monday.

BOB DOLE's deal where all the liberal journalists are saying, what a courageous guy, finally is through pandering to the Christian Right, way out on a limb, what an act of courage, what a great guy. What a great guy, MCCAIN, again, he got Hanoi all normalized and wrapped up, now he is way out on a limb with DOLE, and here he is GRAMM's national chairman. GRAMM, taking a role of leadership against this; it blew up in DOLE's face today.

Did my friend from San Diego or did my friend from the great State of

Maine, as Maine goes, so goes the Nation, did you know that BOB DOLE and MCCAIN got so far out in front of their troops that no other Republicans joined them, except DICK LUGAR, none, that they had a revolution that PAUL COVERDELL said, I am not going to be a coconspirator in this nightmare.

So do not you smile, Mr. ABERCROMBIE. We have problems over here, too, so do you. We do not want any more of you guys just yet, I know it is breaking your heart.

So let me tell you more about our problems. You think you have got problems in the Democratic Caucus, let me tell you about the Republican Conference. So my pal BOB DOLE, who earned the right to do anything he wants in this country, he served all of his life, he is way out in front trying to support Clinton and here is the question I want to ask America tonight. DUKE, you came here in 1988, right?

Mr. CUNNINGHAM. 1990.

Mr. DORNAN. You were——

Mr. CUNNINGHAM. I retired from the Navy in 1987.

Mr. DORNAN. You did not waste any time coming to continue your Federal service, you BOB DOLE, you.

Now look, here is the problem. When I came back, made a great comeback, I was a term-limit guy, 6 years, said good-bye, entered a Senate race a year late and a $1 million short, Pete Wilson beat me, and a Navy Cross winner McCloskey, short; and I come here in 1985. Reagan won a second term. It is kind of rare, second terms in American history. Roosevelt, Wilson on their side.

Mr. CUNNINGHAM. Can we stay on Bosnia, BOB?

Mr. DORNAN. I am coming back to that. And now I come back in 1984–85 and we start the battle of El Salvador.

Here is my question for the night, DUKE. The Democratic majority under Tip O'Neill and the majority leader Foley, without the U.S. Senate, it was still in Senate hands and had been so for 4 years, in the fifth year of Ronald Reagan delivering the Senate in January of 1981 to the Republican Party without the Senate, Tip O'Neill held commander in chief Ronald Reagan, beloved by military men and women around the world, a beloved figure with his ratings high, held him in the struggle for freedom in El Salvador for 55, not 5,500 or 550, less than five dozen people. Fifty-five advisors in a country north of the Panama Canal, and Reagan could not break Tip O'Neill and Foley and GEPHARDT; he was held to 55.

Now I am being told by a guy I admire, leader BOB DOLE, by our best, one of our best fighters here, NEWT GINGRICH, and most of the leadership that we are neutered, impotent, that there is nothing we can do to stop Clinton, who avoided service three times and sent high school kids in his place; that he is going to put 55,000 people into what Churchill called the tinder box of the Balkans, disregarding two overwhelming House votes and a big Senate vote against it. He is going to get that done, and we are told we cannot do a thing about it; and Reagan could not get a 56th soldier or Green Beret into El Salvador.

Here is what I am going to do later. See this book, Presidential War Power, by a Democrat scholar named Louis Fisher. Pretty nonpartisan actually, although he is a registered Democrat, and here is his article that I am going to put in the RECORD, because MCCAIN has been misstating this.

MCCAIN said during Haiti that Thomas Jefferson sent naval forces to get the Barbary pirates along the Algerian coast without congressional approval; he said it over Haiti, and he said it again on Brinkley this Sunday.

That is just not so. JOHN had better come up with his history. He did not learn that at Annapolis. The Barbary wars are no legal precedent for Haiti.

Do you know what? Ten public laws were passed by the Congress, 10 went into law, demanding that Jefferson, the first one was passed the day before he was sworn in on March 3d, 1801; they demanded he go do something about the Barbary pirates. The President, Jefferson himself, actually that is who Buchanan was quoting, eternal vigilance is the price you pay for liberty, and then I will turn it back.

Do you know what Jefferson said? I can do nothing as commander in chief except defend this country. If I am going to do anything offensive, particularly overseas, I must have the permission of Congress, just as every NATO nation has to get permission from their Knesset, their Parliament, the Bundestag; and we are not being listened to by Clinton.

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Mr. CUNNINGHAM. Let me comment and give you my opinion of a couple of the events. My friend knows the warm affection I feel for him.

Mr. DORNAN. It is a manly affection.

Mr. CUNNINGHAM. In a manly way. He has not only stuck up for me physically recently but in campaigns and everything else, and I consider him a very close friend.

I am not running for President and I am looking at the presidential side of it. But I would not presuppose, and I would tell my friend from California, that the Frenchmen had been shot in the legs. I would hope that is not true.

Mr. DORNAN. I am not accepting it, either. I thank the gentleman.

Mr. CUNNINGHAM. And I would not suppose that they have been murdered. I hope that is not the case also.

Mr. DORNAN. They better not be.

Mr. CUNNINGHAM. And I would not condone that. I would condemn it.

I would also say that Senator DOLE, when we came to Congress, stated that he, like most of us, would try and work with the President to find the best solutions.

The biggest upset that I had in Vietnam, and I would tell my friend from California, I was shot down on the 10th of May, 1972. I can remember sitting on my knees and weeping on board the U.S.S. *Constellation* when I saw the Jane Fondas and the Tom Haydens, when I saw the rules and the regulations that were set forth in this Congress back during the 1970s. I can remember saying, who are those guys back in Washington, what country do they come from?

We did not want to be there, I would say to my friend. But what we wanted was the support of the American people. We wanted the support of Congress. We wanted the best equipment. We wanted to be able to go through and fight with the best tactics, with the best machinery that we could, so that we could come back not in body bags but to our family.

I talked to Senator DOLE and that is his opinion. He knows that percentagewise the President is going to take our troops, regardless of what we do. Part of my pitch is the difference between George Bush and Bill Clinton and President Johnson, and also a friend of the gentleman from California [Mr. DORNAN], Mr. McNamara.

But in that decision the President made, knowing that we are going to go, he wants to give our troops the most support that we can. He will still fight for us not to go there in the first place. But yes, and you have seen the resistance that we have had even among both sides of the aisle here. We have already had two votes on not going to Bosnia.

But after the peace accord was signed in Ohio, the inability for us to bring it up on the House floor, and I laud my friend from California, I supported and I signed your paper to bring it up even in our Republican Caucus. But I would say that the Senator is trying to work with the President as much as he can. He is against the position, but at the same time he wants to give maximum support to our troops.

I would go into the same thing, and some of the weaknesses that I also see in this Ohio agreement.

I look at a time when I was fighting in Vietnam, and I look at President Johnson, and he had McNamara. I think McNamara was not a bad Secretary of Defense, but I do not think he was placed in as Secretary of Defense at the proper time and in a wartime. I think during peacetime, as far as his politics, as far as his bean counting and his number crunching and what we actually needed machinery-wise was correct, and I think he served a pretty good position. But I do not think he was there as a tactician or could give the President the best information that he could have in the tactics and the policy in Vietnam. I think that is where the problem lies.

Second is that President Johnson managed, micromanaged the war from the White House. Did not let the Secretary of Defense get into the real problems. Did not trust his generals to run the war, and in my opinion we got

58,000 people killed unnecessarily, not just from those two individuals but through a whole lot of blunders.

Now I look at President Clinton. I think Shalikashvili is a pretty good general. I think he tries to do the job. I think if he was allowed to run this just like Colin Powell was under George Bush, I do not think he would do a bad job. But I also look at the President. When he says he will review the plan that comes out of NATO, I do not have much confidence in that from just the President's history.

I also look at his advisers, and I said Secretary Perry, in my opinion very good when he was an assistant secretary. When he is now Secretary of Defense in peacetime, I think he is a good Secretary of Defense. I do not have the faith in Secretary Perry in a wartime situation from a lack of experience.

At the same time I look at the President's Cabinet. Not historically a promilitary organization or group of individuals. When the President said he is going to make the decision, I take a look at the advisers that he has underneath him to give him good counsel and I am afraid of that.

Another thing that I have real concern with, Mr. Speaker, is that the President and this Congress is going to be in a campaign mode over the next year. In our testimony it was said that, well, the President must be not looking at the polls because he is out there fighting this when the American people are against it.

Republicans and Democrats across the board and in our Committee on National Security, Democrat after Democrat, and the gentleman from Hawaii [Mr. ABERCROMBIE] I believe was there during the time, said their polls and their people are telling them, Mr. President, do not send our troops to Bosnia. And I think that is pretty well across the board in most States and in most districts, Republican and Democrat. Maybe it is not, but the information that I have is overwhelming.

The difference between George Bush and the President, one, George Bush said he would abide by what Congress said. President Clinton, on the other hand, we have had two votes on not sending the troops and he is bypassing Congress and sending them anyway. That is why Senator DOLE has come on board and said, they are going, I need to get behind so that there are not any glitches, so that we do not get any Americans killed over there.

I am still dead set against it, as my friend from California and I believe my friend from Hawaii, I do not think he is in support of this, I will not speak out of turn, but he can comment on it later if he likes. But I think if we look at the whole problem that we go over there, let me ask you some real basic questions.

It is been identified that it would cost about $2.2 billion, Mr. Speaker. Testimony before the Committee on National Security said no, we are not sending 20,000, we are sending 32,000 people to Bosnia. Some are already there, some are already budgeted for. But the overall operation is going to cost this country, its share of NATO, $3 billion to $6 billion. Where is the President going to find the money to pay for it?

After we leave in one year, NATO is going to take over, and a long-term commitment. And we are trying to balance a budget in 7 years, we are trying to protect Medicare, we are trying to do some of the things that Members on the other side of the aisle are trying to do. NATO is billions of dollars broke. Who is going to pay for that extension in Bosnia-Herzegovina and in Bosnia? I think it is a fair question to ask the President.

The President in his speech also, I would say, said that the principal funding for nation-building of roads and bridges and elections is going to come from Europe. But that leaves an awful lot of room for the United States to also pick up the tab there.

There is something else that bothers me. The President and many of my colleagues on the other side of the aisle, not many on this side, wanted to go into Haiti. We said there is no national significance or interest in going into Haiti.

And at a time when Aristide has killed two of his predecessors, when the boat people from Haiti have already started coming out of there, the tortures, the neckties, and President Aristide has said that he is not going to abide by the elections, and he has reversed himself and countered that with a lot of pressure from the United States, but all the problems that are going on, and Haiti is just about to erupt again. Are we going to totally ignore Haiti?

That is of great national interest, according to many of my friends on the other side of the aisle that outvoted us when they were in the majority. And I would say no. If it is of great national interest, and we are going to get into Bosnia. I think it also has a problem, that if we look at the Islamic fundamentalists, their greatest aim is to have a Moslem state in Bosnia and Herzegovina and to hurt the United States.

If that is the case, how could they do that? They could tie up the United States, knowing that Haiti is a problem, and at the same time here comes Saddam Hussein and rears his ugly head. I would predict, Mr. Speaker, that within 1 year we are going to see Mr. Hussein again in a very violent way.

I have gone on for a while. I would yield to my friend again to go through, and I have got some other points that I would like to bring out, but I would also yield to my friend.

Mr. DORNAN. We have got time and I think this is super important, equal to the budget, and everybody in Hawaii is waiting for Mr. ABERCROMBIE and it is only 5 o'clock in the afternoon there, so we are in good shape.

Here is a press release by our good friend who uses this well so effectively, this floor, in special orders, DAN BURTON.

I did not know, following Bosnia so closely and fighting the budget battle, that Clinton had thrown his support behind the Spanish Foreign Minister Javier Salano for Secretary General of the North Atlantic Treaty Organization. This gentleman is not only a Marxist and whose only slogan when they took over in September 1979 was the platform of ''We are a Marxist party,'' and that is it, big friend of Castro, constantly hammering on us to take the sanctions off that Communist killer, and he says he has openly admitted opposing Spain's membership in NATO, now he runs the thing and Spain is not a full member in full standing to NATO, although on my chart here Spain is going to send into that area—oh, that is great—1,000 people. Wonderful. They will probably all go to Zagreb or someplace that is safe.

He says he has never distinguished himself as an ally of the United States. Again all the friendships with Fidel ''Killer'' Castro.

It says Spain is not a full member. It is preposterous to even think about considering someone to run an organization who is from a government that is not fully integrated into the military structure of NATO.

Clinton is making a monumental blunder of sending these troops into Bosnia under the guise of NATO.

I found out in briefings today, I do not remember whether you were there or not, DUKE, that when we pull out in a year, and Britain and France have threatened to pull out and so did Germany if we pull out, it goes back to U.N. control.

So the U.N. is kind of going like under a rock. Their 14,000 people are going to go back to New York or wherever until a year goes by. Then they are all going to come back to the biggest U.N. operation ever.

I read about the corruption, put it in the RECORD, but neglected to give the whole Readers Digest article to the Official Reporters, so I will do that tonight.

I now have part 2 in front of me by Dale Van Atta that is simply titled The United Nations Is Out of Control. So we won that battle. For a year it will be a NATO operation, but with the United Nations in the wings hovering around there in the wings. Listen to this.

Here is the brand new Time magazine, page 56, this week. Michael Kramer. Not a bad thinker for a liberal. The art of selling Bosnia. Listen to these mistakes.

It says,

> The vote the administration hopes to win will be taken in the Senate soon, and the outcome remains uncertain.

I repeat, it exploded today in DOLE's face.

> In the Senate, the support of Majority Leader Bob Dole will probably win the backing that Bill Clinton desires.

Wrong. Issue in doubt.

Dole's courage should not be minimized. With the exception of Lugar, all the other GOP presidential candidates oppose Clinton on Bosnia, the most vocal being Phil Gramm, who, in declaring his position even before the President made his case, showed again that he seems never to have encountered a principle he won't rise above.

Now let me defend Senator GRAMM. Who is Mike Kramer to say that he has not taken a consistent position here? That may go all the way back to Vietnam for all I know with GRAMM, that he wants the Presidential power curtailed the way Jefferson did, Thomas Jefferson, by a House vote.

It gets worse.

DOLE says,

I'll take some hits for this.

But he, more than most, respects presidential prerogatives and would like to enjoy them himself in 1997.

Well, let me tell my friend BOB DOLE that if he ends up as the 43d President of the United States——

Mr. CUNNINGHAM. Let me tell my friend that I control this hour. If it is going to continue to be——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LONGLEY). Will the gentleman suspend. I need to caution, Members must avoid references to Members of the Senate.

Mr. CUNNINGHAM. I agree. If it is going to be a continuing of this kind of dialogue, I will reclaim my time.

Mr. DORNAN. Sure. What I am saying is that if people running for President think the President, to restate what I said earlier, can send any number of troops, unless it is Reagan and it is a Senate Democratic majority—then he is limited to 55 human beings—but whether it is Woodrow Wilson, he got a declaration of war; Roosevelt got a declaration of war. But whether it is Harry Truman in Korea, Kennedy or Johnson in Vietnam, Nixon claimed he had a secret plan which he did not, Presidents cannot, unless it is an emergency like Grenada, an American officer like Roberto Paz killed by a war criminal Turillos in Panama, unless there is an emergency nature, and I am for repealing the War Powers Act to give the President that emergency power, but Presidents do not arbitrarily have the raw, naked power alone, whether it is a future President or Clinton, to say, no matter what the House does, I want a vote but I want it to be a positive vote.

□ 2000

I was against Mr. Bush when he took that attitude. I noticed in today's paper Bush and Ford and Colin Powell endorse this unlimited raw executive power to send any number of troops they want anywhere in the world under a whim, which is the way Clinton started in this 2 years ago, to commit 25,000 people without a hearing, without talking to Congress, not to go to Bosnia, to only go in as hired guns to withdraw the U.N. Force which was being kidnapped, chained to tactical targets, having their boots stolen, slapped around, abused and degraded in the name of this tri-cornered civil war.

Now, listen to this, it says the troops are on the way; we cannot stop their deployment; and they deserve our support. This is what Bosnia, listen to this paragraph from Time, the administration will clearly take any resolution it can get, even a weak one, that says, in effect, ''The President is sending the troops. We support the troops.'' Here is my patch again tonight, pull it out of my pocket, First Armored Division. I have got one I am going to give you as a gift. Everybody else is going to pay $3. I support the First Armored Division. They are not there yet.

I did a show with Chris Mathews, who was Tip O'Neill's, while he was Speaker, main political consultant for, I think, 6 or 8 of Tip's 10 years. Chris said to me, ''I think you do have the power to stop this. I think if you are against it, you should use your vote,'' and he is the one who reminded me how Tip stopped Reagan dead in the water, so if the troops are not there yet, we do not even sign the treaty until December 14, today is the 6th, 8 days from now, and the first Armored man will not be there for several weeks right before Christmas, why can we not have a vote expressing our displeasure?

Now, going over this with scholars from Congressional Research Service, I am told disapproval cannot be vetoed by the President under separation of powers, because we control the appropriations process, and if we were a little bit earlier and there were not so much contention about a 7-year balanced budget plan, we could have stood up with a negative amendment on the defense appropriations bill and simply said, ''Mr. Speaker, I have an amendment at the desk. The amendment will be read. No moneys appropriated under this bill shall be used to send or fund any ground,'' I would have put the word ''ground'' in, ''ground troops in Bosnia-Hercegovina.'' That means the people can go to Macedonia, they can go to Croatia, they can go into Serbia and hold Milosevic's war criminal hand, they can go all up and the Dalmatian Coast, fill the Adriatic, the entire Mediterranean Sixth Fleet, no money for ground troops in Bosnia, because it is a European job.

Before you continue your history lecture there, let me tell you what one of the guards who served in Desert Storm, one of our great policemen who protects us here said in the elevator tonight to me. He said, ''When I last looked, I don't think there were three nations in NATO, so three people each put up 20,000 troops.'' He said, ''What is there, 15?'' I said Iceland, 16. They have no forces. They are very lucky. They give us good air bases and seaports in Iceland. I said, that is right, there are 15 nations. It is not all according to population or to military forces that we flesh this thing out.

I question whether the French sector in Sarajevo is tougher than the Tuzla area. I put on 3–D goggles today and looked at these excellent maps of the Tuzla area. You know, I have been calling your office to get you to go there with me. I want veterans, I want the gentleman from Texas, Mr. LAUGHLIN, you, the gentleman from Texas, Mr. SAM JOHNSON, the gentleman from California, Mr. HUNTER, tiger fight, 1992. I want us to go there so we can talk to these men, if we cannot stop them from going there, and assess this scene.

Tuzla is a bowl. You do not see this in your Atlas or geography books. It is a pneumonia bowl. Up the road about 4 kilometers is all Yugoslavia's, all provinces before it fell apart under Tito, it is the largest chloride chemical plant in the whole country of what was Yugoslavia, 4 klicks west up in Lukovac. If one missile out of Belgrade hit that place, they admitted to me in intel, 10, 15, 30 thousand people, thousands of our troops die from chloride poisoning. They make phosgene there. Theoretically, it is for everything that happens in that country, fertilizer, you name it, but the Muslims told a Green Beret acquaintance of mine that I picked up as a friend this last week, it has been verified that was their doomsday weapon if they got overrun, just as Golda Meir said, if Israel was overrun in the Yom Kippur War, they would use the 13 nuclear weapons they had sitting at Demona. You have flown with the Israeli air force. You have a lot of friends there. You know they meant business. It was biblical. They were not going to be slaughtered and driven into the sea. They would go out in a blaze.

Mr. CUNNINGHAM. Reclaiming my time, first of all, and I have the utmost respect for both Senator DOLE, for Senator GRAMM, and I know that the decisions they make are very difficult, and I believe, with all of our efforts, and I will do anything I can to support the gentleman to keep our troops from going to Bosnia, I truly believe in that initiative, and you know that I have supported you in every initiative forward that has come in that. I will speak against it. If there was a vote on the floor, I would pledge I would vote against our troops going to Bosnia, with the knowledge that I have now.

I also believe that I think it is a done deal, and with that, I would take a look at some of the things that we have got to ask and ask questions and ask that they be taken care of.

First of all, and first, I repeat, I am against our troops going to Bosnia. I think they are going, and I think these are minimums of what we should do.

All troops, regular or otherwise, which are not associated with NATO or Russia, must be removed. That includes the freedom fighters from other countries, the 4,000 mujaheddin radical Middle East Muslims. They pose an imminent threat to our troops, and much of what my friend from California has just said; all mercenaries must be extracted from that portion of the world. They are uncontrollable, and that they

would also pose a threat to our U.S. troops.

I think there needs to be identification of short- and long-range terms; by terms of cost by the President, and how we are going to get there, not with 20,000 but 32,000 troops. Where does the President plan to gain the funding from Bosnia-related operations and post-operations?

Shalikashvili testified, and so did Secretary Perry, that they plan on taking it out of the defense budget. The defense budget, and which the President cut $177 billion when he said in his campaign that $50 billion, along with Colin Powell and Dick Cheney, would put us into a hollow force. According to GAO, an independent agency, not Republican, not Democrat, we are $200 billion below the bottoms-up review which is the bare-bones minimum to fight two conflicts at the same time.

I asked the general today, I said, do we have the troops to fight, if we get tied down in Bosnia, to fight in Bosnia and North Korea? The answer is ''no.'' Can we sustain a Desert Storm type of operation in Bosnia? The answer is ''no.'' Could we support Haiti somewhat? Yes, somewhat smaller.

I think the President needs to ask these questions.

The President has recently signed a commitment to balance the budget in 7 years. Where are we going to get the short- and long-term billions of dollars that it is going to take in this commitment, away from some of the same things my colleagues on the other side of the aisle are fighting for?

I would look at nation-building and how much and what is the limit. I would look at something that the President said that we need to look equally at all three sides. We are going into a peace agreement, not a conflict, peacekeeping. But yet at the same time in this accord we are going to arm and train the Muslims and the Croatians.

If I was a Serb, I would consider that an act of war.

And we take a look at the training. They are going to take in from Iraq, Iran, Russia, France, all the arms nations, and probably the United States, weapons of mass destruction into that portion of the area now that the embargo; I think the President needs to say ''nyet,'' that we are not going to allow an infusion of arms into that portion of the world, causing a potential powder keg for the rest of the world.

Even more important, right now, the contingencies with Saddam Hussein, North Korea, Turkey's expansion into Greece, China and Taiwan, unknown and unexpected contingencies, there are over 20 years going on as we speak today in the world, Mr. Speaker, and Haiti.

I have already spoken to Haiti as far as we spent billions of dollars there. Aristide is still there, and it is about to blow up again.

I look at Somalia. We spent billions of dollars in Somalia. We had to leave with our tails between our legs under guard. And guess what, General Aideed is still there in Somalia. And that has cost us.

I would take a look, and there is a statement that I think my friend knows, and it is a fighter pilot rules in the area allotted to him in any manner he sees fit. When he sees the enemy, he attacks and kills. Anything else is rubbish. That was Baron von Richthoven in 1916. Baron von Richthoven never met Che Guevara in guerrilla warfare. He never met the Vietnamese in Vietnam. He never met Mesashi on the fields of the great Japanese wars. I take a look when the President says we will be the meanest dog in town. Well, in all of those cases, the dog was killed by fleas, because they are not going to fight in head-to-head confrontations. They are going to send a weapon into the chemical plant, as my friend just brought out. They are going to hit and run. They are going to cause the United States to go after one side or another for political, religious, and economic experiences and values.

I think that it is a travesty. I think that it is wrong to send our troops into a portion of the world in which I do not believe that we have a direct interest.

I look at the road running between Goradze and Sarajevo. Milosevic conceded it is a Bosnian Muslim focal point between Bosnia-Hercegovina and Sarajevo. I look at Izethbetovic, who was happy with the split between Serbia and Croatia. I take the Pottsylvania quarter. It is a northern Bosnia, I say to my friend, connects Serb-controlled areas with the northwest Serb territory in the east when the Croatians did not want to give it up. I look at the Croatian demand for Broko, which now is in Serb control, and it is a pivot for the same quarter up above, and if you look, neither side in the Ohio agreement could come to terms, but they agreed to put it before an international arbitration board.

Now, do you think that is really what these groups are going to be arbitrated with an international board? All of these areas are potential, and I believe will become, trouble spots.

General David Mattocks, commander of the U.S. Army in Europe, believes it is wrong to send in U.S. troops in the dead of winter with no replacement troops, I would say to my friend from California, no replacement troops. We are calling up reservists. We are sending our kids for 1 year.

Do you know what that does to families? Do you know what that does to businesses? You know what that does at a time when we are destroying our military with defense cuts and base enclosures and other initiatives from this administration?

Mr. DORNAN. Let us stop it before this happens.

Mr. CUNNINGHAM. I agree with my friend. Let us stop it.

You know, I made a statement that this is Afghanistan with trees. Afghanistan broke Russia. It cost them economically. It cost them with lives. And when they left, they accomplished nothing.

The same thing in Somalia, the same thing in Haiti, and, in my opinion, the same thing there. Afghanistan, unlike Bosnia, is mountainous. But Bosnia is a land of many, many trees, and it is very hard to pick out those targets and very hard to maneuver, and I know some of my colleagues on both sides of the aisle have talked about even the main threat that exists there today.

So I believe it is an Afghanistan with trees. It is going to break this Nation. It is going to stop us from some of the things both my liberal colleagues and conservative colleagues on this side of the aisle want to do, and that is focus on the problems that we have in this country right here. And I think if we shy away from that responsibility, Mr. Speaker, I think it is wrong for the American people. I think it is wrong for the kids.

Mr. DORNAN. Let us get out at this point because somebody may have joined the debate, Mr. Speaker, that did not hear any of this discussion last night or the night before.

I know that you believe it is worth a lot of our tax dollars to be involved. Now we are doing most of the airlift, 95 percent. Nobody else has big enough——

Mr. CUNNINGHAM. With the C–17, by the way.

Mr. DORNAN. The C–17 is a success story going in there with fields in there a C–5 cannot get into.

Mr. CUNNINGHAM. Cannot operate out of the taxi ways. They have to stop down the runway, shut it down. Only the C–17, which is very controversial in the defense bill, but it has proven out for its worth.

Mr. DORNAN. How about sealift? Who has as much sealift as we do, going into the Dalmation Coast ports along Croatia up in Slovenia? The United States. What about sea power? Who constitutes the majority of most of the squadrons and the carrier battle groups out in the Adriatic?

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As we speak, the *America* just came out of the Suez Canal this afternoon and it is steaming up into the Adriatic. That is another 6,000 people of your Navy friends. We have Marines in hot bunks, five or six deep, sitting on an LPA or an LPH or an LPD waiting off the coast there for vertical envelopment and force reinforcement if U.N. people, until they get out of there, are being overrun, and now air power.

I just found out, with you sitting right there today, that Aviano and our other bases, Fort Disey, Vicenza suddenly went from 1,700 to 2,600. There is another increment. I will bet it will be 3,000 before we are through. That does not include that air bridge of the air lift. We are now doing airlift, sealift, air power, sea power.

Now, what about the hospitals? Wait until you see them at Zagreb. They are

ready for a big catastrophe: a lot of body bags, casualties, and MASH operations. What about the food? Most of it is coming from here. The fuel? Most of it is coming through the courtesy of the United States Navy, bringing it up in that area. What about intelligence? Good grief, nobody has our super satellite architecture or our unmanned aerial vehicles.

Mr. CUNNINGHAM. Remember when some of our colleagues wanted to cut the intelligence budget? If anything, we need to increase, whether we go in there with troops or not, we need to increase our intelligence folks in that portion of the world and in other portions of the world.

Mr. DORNAN. Absolutely. When the chairman, the gentleman from Texas, LARRY COMBEST, took his subcommittee chairmen, me, three or 4 other Members, the gentleman from Florida, PORTER GOSS, and we went into a new intelligence operation, moved into a new unit inside the Pentagon. I said, ''What is your principal duty of intelligence in a peacemaking, peacekeeping, nation-building operation?'' ''To protect our men and women in the field.'' So they are dedicated to not losing a single person.

Then after they gave us the 3–D view of Tuzla and that whole area, I say, let us see an overlap of the mines. Duke, the biggest hill around Tuzla has so many mines around it indicated in red that it is a giant solid red horseshoe. Then they gave us an intelligence weather briefing, all declassified. Do you know what is coming there? If it is the mildest winter in the last 50 years above the 1,500 foot level where the mortar men and the snipers sit, it goes below freezing and stays there for 3 or 4 months.

That is where the mines are, and any division commander, and I have the general's bio here from the First Armored, and I will put it in after the special order of the gentleman from Hawaii, NEAL ABERCROMBIE, what would you do there, if you were ground commander? You would say, I need my anti-sniper teams up in the hills. You are living in tents here. If you think it is freezing here with these little tent heaters and with this floor, single floor we put in, you are going to have fun up there in the hills below zero, so take all your Arctic clothing. Maybe that is why they sent the First Armored division.

Mr. CUNNINGHAM. You are going to be vulnerable.

Mr. DORNAN. You go up there, thread your way through the mine fields, dig a foxhole, hunker down and wait for the snipers. Then if the troops have to use Clinton's rules of engagement, they can shoot even if they suspect somebody is coming at them, they had better pray it is not a Moslem woman, a Serbian woman, or a Croatian woman ever with a plate of cookies or with hot tea, because if they blow her away, as I read last night from a top Marine gunney, you will live with that psychological scar, you will live with that for the rest of your life. So the commanders in the field, do not think you are going to get court martialed for killing innocent people, and you are going to go quoting quote Bill Clinton, you can fire if you are being assaulted, but you had better be afraid of ghosts in the night that are friendly people or people trying to infiltrate back from one side to the other.

Here is something that was handed to me today. You have been tracking Chechnya, English Chechnya. Colonel General—what is a Colonel General, three-star, yes, three-star, Colonel General, Leonty Shevtsov, Chief of Staff of the Russian forces in Chechnya from December 1994 to April of 1995, has now become the commander of the Russian peacekeeping forces to be placed in the American sector in Bosnia.

How ironic, the Russian military acting as peacekeepers in Bosnia when they themselves are still committing atrocities in Chechnya against the Muslims. Some 40,000 civilians died in Chechnya on Shevtsov's watch, and the killing goes on. Russian bombs continue to fall on Chechnyan villages. Women and children continue to die. American silence is unconscionable.

I am going to ask permission to put this whole article in, from the Washington Post. What are we going to do with the Russians in our sector? What I read in last night, and I will continue it out of these Readers Digests, outrageously revealing reports; they have been so partial to the Serbs, they have been letting people who did commit atrocities go back and forth across the lines. They opened up a bridge with the greatest mass movement of Bosnian Serb tank power in the whole 3-year conflict.

We have got one overlapping problem, and now today, in Sarajevo, for the third day in a row, 100,000 Serbian Sarajevo citizens are saying, ''We don't want the French and we are not giving up our neighborhoods.''

Mr. CUNNINGHAM. I think I only have a couple of minutes left. I would like to kind of wind it up.

Mr. Speaker, this Member, the position that I would like to take, and I hope the House, and the House has on two separate occasions taken, is first of all we not send our troops to Bosnia. All three sides in this have said they want peace. Belgrade does not have all the cards like it had before. Both the Moslems and the Croatians got pretty much of a stinger from the infusion of arms that have gone in there and the training under the Mujaheddin. If they really want peace, I think they can achieve it.

It does not mean we cannot help with intel and some of our SATCOM communication type systems, and AWACs in other areas, or even with communications or even with humanitarian food. But I want to at all costs keep us out of Bosnia-Herzegovina with our troops.

Mr. Speaker, I do believe we are going in, even after that. I do not think it is unfair to ask the President, what is it going to cost short- and long-term? How is he really going to protect our troops? And how do we get out, and what are the costs? Because I truly believe with all my heart that after we pull out of there, we are not going to have solved very much, just like we have in Haiti, just like we have in Somalia; billions of dollars, with very little to show for it, with personnel killed, and most of them from the United States.

Mr. Speaker, I would like to thank my friends and I would like to thank my friend, the gentleman from California, for joining this special order. I think it is in the great interest of the American people. I know in our Caucus and on the Committee on National Security, Republicans and Democrats alike said they are getting phone calls 13 to 1 against us going into Bosnia.

I hope that the American people would focus on that, that they would write their Senators, their Congressmen, and do everything that they can to keep us out of there, because, Mr. Speaker, I think it is a travesty.

THE BALANCED BUDGET MYTH

The SPEAKER pro tempore (Mr. LONGLEY). Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I believe, if I understood the gentleman from California [Mr. DORNAN] correctly, he was not quite finished with his remarks. If he would like, inasmuch as I have something I have to do off the floor for a few moments, I would yield to the gentleman from California [Mr. DORNAN] at this point. Did I understand correctly that he was not quite finished?

Mr. DORNAN. If the gentleman will yield, Mr. Speaker, I was not. I thank the gentleman. If I can do this quickly in 10 minutes, I will not keep our hard-working staff here after your special order.

Mr. ABERCROMBIE. Mine will not take the full hour. I yield to the gentleman from California [Mr. DORNAN].

KEEPING AMERICA'S TROOPS OUT OF THE BALTIC CONFLICT

Mr. DORNAN. Mr. Speaker, I can save some of this for next week if I do not get my conference to meet, Mr. Speaker, tomorrow and plan our vote, irrespective of what the Senate does, with our great Members over there. I would like to finish, and I will ask permission to put the whole article from Time magazine by J.F.O. McAllister, including interviews with Clinton, into the paper.

Mr. Speaker, one of my sons or daughters sent me the front page of the L.A. Times. You have already heard me, Mr. Speaker, say today that I find this the most offensive, and I do not know what they did in the San Diego

Union, DUKE, but look at this. This is a staged photograph. This is the photograph of the Officer Corps of the First Armored Division.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, I would like to make this perfectly clear. When I talk about the radical Muslim Islamic movement, it is not the Muslims across this world. Just as we have in any religion radical groups, these are the groups that are sworn to take blood, to take blood of anyone that does not believe as they do. That is wrong, but yet, I do not want to make any implication that it is Christians, Muslims, or any other religious group, other than the radicals that we are talking about in the 4,000 Mujaheddin.

Mr. DORNAN. To show that I am fair too, and that there is plenty of guilt to spread around, the map that the gentleman from California [Mr. CUNNINGHAM] was holding up earlier, that takes a nation, Bosnia and Herzegovina, that looks like an arrowhead, and that is what it was, the arrowhead, the tip of the spear of Islamic penetration into the soft underbelly of Europe, stopped up at Vienna and Prague, totally burned Ottoman empire warriors, the cities of Buda and Pest on the other side of the Danube, now the capital city of Budapest, Hungary, and then they were eventually driven back by knights from Austria, from Styria, one of the major provinces, and there is an incredible armor museum of all of the Medieval and Renaissance ages of the armored war that went on between Islam and Christendom, and this was one of the main armories. The oldest and last surviving armory from that period in Europe is at Graz in Austria, a fascinating visit for historians and for even peaceniks to contemplate man's inhumanity to man, with women either standing by the sidelines crying because they have lost their son, their husband, their father, their uncle, or they are killed in the process of men tearing one another apart.

But here is this normal-looking country, the shape of an arrowhead or a triangle, and it now looks like a distorted amoeba or a Rorschach test that the Bosnian government in Sarajevo, recognized by us on April 7 of 1993, by the United Nations on May 22 of 1993, it is now cut into this bizarre shape. You have the Croatians, and Catholic Croatians, in an uneasy confederation with the Muslim Bosnians, while the Serbs are in two big globs, held together by a four kilometer little corridor called Posavina corridor, with Brijco, their main armament source on the border with Milosevic's Serbia proper, let me look at the 20 miles here, 20, 40, 60, 80, less than 100 miles from Belgrade, which has been one of the main problems in all of this.

I look at this, and here is a brand new footprint, just sort of an oblong glob that is now held by Croatian forces from Croatia, with Croatian Bosnians, and Muslim Bosnians out of the Bihac pocket up in the north, the very tip of the Islamic spear. They now hold this area that they have been ordered to give back to the Serbs.

There are two villages in there, I learned this morning, it is declassified, called Sipovo and Mrkonjic grad, grad being city, like Belgrade. These two cities, as we speak, or they are asleep now, when they wake up in the morning, and that is about another 4 hours, the Croatian forces, with the total acquiescence of the Muslim forces, are burning these villages to the ground, because if they are going to give these villages back to the Bosnian Serbs, they want them to be utter rubble, because that is what the Serbs did to 3,800 villages on the other side, destroying every minaret, every town hall meeting place, burned down all the homes; that if the people come back as refugees when they get tired of killing one another and a peace comes back to this land, however tentatively, given its 600 or 700 year history, 2,000 year history, for that matter, they will come back to rubble. There is no City Hall, no marketplace, no minaret, no church. It is all gone. It is dirt.

So they turn around and say that that is where my father died, there is my family home, my sister was raped there, I do not want these memories, and they go back to being a refugee. So the guilt is on all sides; the Croatians, who I admired so much in their special forces training camps down on the Dalmatian coast, they are now burning villages at this, tit for tat, giving to the Serbs what the Serbs did to them. So when they open this area up, and this is going to be in the British sector, the British will have to keep them apart here, the people come back to villages they fled from in September and the villages are rubble.

I see the gentleman from Hawaii [Mr. ABERCROMBIE] has come back. Let me ask for a special order, an hour next Tuesday night, next Wednesday night, and next Thursday night. Hopefully I will have gotten votes out of my leader, the gentleman from Georgia [Mr. GINGRICH], my majority leader, the gentleman from Texas [Mr. ARMEY], and I know the majority whip, the gentleman from Houston, TX [Mr. DELAY] wants to do this, and let me put in the RECORD four articles. I beg, Mr. Speaker, people listening to our voices here today to read this material that is in the CONGRESSIONAL RECORD.

The material referred to is as follows:

RÉSUMÉ OF SERVICE CAREER OF WILLIAM LAFAYETTE NASH, MAJOR GENERAL

(Commanding Officer, 1st Armored Division)

Date and place of birth—10 August 1943, Tucson, AZ.

Years of active commissioned service—over 26.

Present assignment—Commanding General, 1st Armored Division, U.S. Army Europe Seventh Army, APO AE 09252, since June 1995.

Military schools attended—The Armor School, Officer Basic Course; The Infantry School, Officer Advanced Course; U.S. Army Command and General Staff College; U.S. Army War College.

Educational degrees—U.S. Military Academy—BS Degree; no major; Shippensburg University—MS Degree, Public Administration.

Foreign language(s)—Russian.

Major Duty Assignments

From	To	Assignment
Aug 68	Oct 68 ...	Student, Ranger Course, U.S. Army Infantry School, Fort Benning, GA.
Oct 68	Nov 68 ...	Student, Armor Officer Basic Course, U.S. Armor School, Fort Knox, KY.
Dec 68	Apr 69 ...	Platoon Leader, Troop L, 3d Squadron, 3d Armored Cavalry Regiment, Fort Lewis, WA.
Apr 69	Feb 70 ...	Platoon Leader, Troop A, 1st Squadron, 11th Armored Cavalry Regiment, U.S. Army, Vietnam.
Feb 70	Jun 70 ...	Executive Officer, Troop B, 1st Squadron, 11th Armored Cavalry Regiment, U.S. Army, Vietnam.
Jun 70	Jul 71	Assistant G–3 (Operations) Training Officer, later Assistant G–3 (Operations) Chief of Force Development, 82d Airborne Division, Fort Bragg, NC.
Jul 71	Nov 71 ...	S–3 (Operations), 1st Squadron, 17th Cavalry Regiment, later Procurement Officer, Board for Dynamic Training, 82d Airborne Division, Fort Bragg, NC.
Nov 71	Feb 73 ...	Commander, Troop A, 1st Squadron, 17th Cavalry Regiment, 82d Airborne Division, Fort Bragg, NC.
Mar 73	Jul 73	Student, Officer Rotary Wing Aviator Course, U.S. Army Helicopter Center/School, Fort Wolters, TX.
Jul 73	Dec 73 ...	Student, Officer Rotary Wing Aviator Course, U.S. Army Aviation School, Fort Rucker, AL.
Jan 74	Sep 74 ...	Student, Infantry Officer Advanced Course, U.S. Army Infantry School, Fort Benning, GA.
Sep 74	Jun 77 ...	Platoon Leader and Assistant Operations Officer, later Platoon Commander, and later Regimental Plans Officer, Air Cavalry Troop, 11th Armored Cavalry Regiment, United States Army Europe, Germany.
Aug 77	Jun 78 ...	Student U.S. Army Command and General Staff College, Fort Leavenworth, KS.
Jun 78	Apr 79 ...	Staff Officer, Regional Operations Division, Office, Deputy Chief of Staff for Operations and Plans, U.S. Army, Washington, DC.
Apr 79	Jun 82 ...	Aide and Assistant Executive Officer, later Executive Officer to the Vice Chief of Staff, Army, Office of the Chief of Staff, Army, Washington, DC.
Jun 82	Jun 83 ...	Deputy Executive Assistant to the Chairman, Joint Chiefs of Staff, Washington, DC.
Jun 83	Jun 85 ...	Commander, 3d Squadron, 8th Cavalry Regiment, 8th Infantry Division, United States Army Europe, Germany.
Aug 85	Jun 88 ...	Student, U.S. Army War College, Carlisle Barracks, PA.
Jun 86	May 88 ..	Assistant Chief of Staff, G–3 (Operations), 1st Cavalry Division, Fort Hood, TX.
May 88	May 89 ..	Executive Officer to the Commander-In-Chief, United States Army Europe, Germany.
Jun 89	Dec 90 ...	Commander, 1st Brigade, 3d Armored Division, United States Army Europe and Seventh Army, Germany.
Dec 90	Apr 91 ...	Commander, 1st Brigade, 3d Armored Division, Desert Storm, Saudi Arabia.
Apr 91	Jul 91	Commander, 1st Brigade, 3d Armored Division, United States Army Europe and Seventh Army, Germany.
Jul 91	Jun 92 ...	Assistant Division Commander, 3d Infantry Division (Mechanized), United States Army Europe and Seventh Army, Germany.
Jun 92	Jul 93	Deputy Commanding General for Training, U.S. Army Combined Arms Command, Fort Leavenworth, KS.
Jul 93	Jun 95 ...	Program Manager, United States Army Office of the Program Manager, Saudi Arabian National Guard Modernization Program.

	Dates of appointment	
	Temporary	Permanent
Promotions:		
2LT	5 Jun 68	5 Jun 68
1LT	5 Jun 69	5 Jun 71
CPT	5 Jun 70	5 Jun 75
MAJ		10 Jun 77
LTC		1 Nov 82
COL		1 May 89
BG		1 Mar 92
MG	Frocked	

U.S. DECORATIONS AND BADGES

Silver Star.

Legion of Merit.

Bronze Star Medal with ''V'' Device (with 2 Oak Leaf Clusters).

Purple Heart.

Meritorious Service Medal (with Oak Leaf Cluster).

Army Commendation Medal (with 2 Oak Leaf Clusters).

Army Achievement Medal.

Senior Parachutist Badge.

Army Aviator Badge.

Ranger Tab.

Joint Chiefs of Staff Identification Badge.

Army Staff Identification Badge.
Source of commission—USMA.

SUMMARY OF JOINT ASSIGNMENTS

Assignment	Dates	Grade
Deputy Executive Assistant to the Chairman, Joint Chiefs of Staff, Washington, DC, as of 23 June 1995.	Jun 82–Jun 83	Major/Lieutenant Colonel

[From Reader's Digest, October 1995]

THE FOLLY OF U.N. PEACEKEEPING

(By Dale Van Atta)

Sonja's Kon-Tiki café is notorious Serbian watering hole six miles north of Sarajevo. While Serb soldiers perpetrated atrocities in nearby Bosnian villages, local residents reported that U.N. peacekeepers from France, Ukraine, Canada and New Zealand regularly visited Sonja's, drinking and eating with these very same soldiers—and sharing their women.

The women of Sonja's, however, were actually prisoners of the Serb soldiers. As one soldier, Borislav Herak, would later confess, he visited Sonja's several times a week, raping some of the 70 females present and killing two of them.

U.N. soldiers patronized Sonja's even after a Sarajevo newspaper reported where the women were coming from. Asked about this, a U.N. spokesman excused the incident by saying no one was assigned to read the newspaper.

The U.N. soldiers who frequented Sonja's also neglected to check out the neighborhood. Less than 200 feet away, a concentration camp held Bosnian Muslims in inhuman conditions. Of 800 inmates processed, 250 disappeared and are presumed dead.

Tragically Sonja's Kon-Tike illustrates much of what has plagued U.N. peackeeping operations: incompetent commanders, undisciplined soldiers, alliances with aggressors, failure to prevent atrocities and at times even contributing to the horror. And the level of waste, fraud and abuse is overwhelming.

Until recently, the U.N. rarely intervened in conflicts. When it did, as in Cyprus during the 1960s and '70s, it had its share of success. But as the Cold War ended, the U.N. became the world's policeman, dedicated to nation building as well as peacekeeping. By the end of 1991, the U.N. was conducting 11 peacekeeping operations at an annual cost of $480 million. In three years, the numbers rose to 18 operations and $3.3 billion—with U.S. taxpayers paying 31.7 percent of the bill.

Have the results justified the steep cost? Consider the U.N.'s top four peacekeeping missions:

Bosnia.—In June 1991, Croatia declared its independence from Yugoslavia and was recognized by the U.N. The Serbian dominated Yugoslav army invaded Croatia, ostensibly to protect its Serbian minority. After the Serbs agreed to a cease-fire, the U.N. sent in a 14,000-member U.N. Protection Force (UNPROFOR) to build a new nation. (The mission has since mushroomed to more than 40,000 personnel, becoming the most extensive and expensive peacekeeping operation ever.)

After neighboring Bosnia declared its independence in March 1992, the Serbs launched a savage campaign of ''ethnic cleansing'' against the Muslims and Croats who made up 61 percent of the country's population. Rapidly the Serbs gained control of two-thirds of Bosnia, which they still hold.

Bosnian Serbs swept into Muslim and Croat villages and engaged in Europe's worst atrocities since the Nazi Holocaust. Serbian thugs raped at least 20,000 women and girls. In barbed-wire camps, men, women and children were tortured and starved to death. Girls as young as six were raped repeatedly while parents and siblings were forced to watch. In one case, three Muslim girls were chained to a fence, raped by Serb soldiers for three days, then drenched with gasoline and set on fire.

While this was happening, the UNPROFOR troops stood by and did nothing to help. Designated military observers counted artillery shells—and the dead.

Meanwhile, evidence began to accumulate that there was a serious corruption problem. Accounting procedures were so loose that the U.N. overpaid $1.8 million on a $21.8 million fuel contract. Kenyan peacekeepers stole 25,000 gallons of fuel worth $100,000 and sold it to the Serbs.

Corruption charges were routinely dismissed as unimportant by U.N. officials. Sylvana Foa, then spokesperson for the U.N. Human Rights Commission in Geneva said it was no surprise that ''out of 14,000 pimply 18-year-olds, a bunch of them should get up to hanky-panky'' like blackmarket dealings and going to brothels.

When reports persisted, the U.N. finally investigated. In November 1993 a special commission confirmed that some terrible but ''limited'' misdeeds had occurred. Four Kenyan and 19 Ukrainian soldiers were dismissed from the U.N. force.

The commission found no wrongdoing at Sonja's Kon-Tiki, but its report, locked up at U.N. headquarters and never publicly released, is woefully incomplete. The Sonja's Kon-Tiki incidents were not fully investigated, for example, because the Serbs didn't allow U.N. investigators to visit the site, and the soldiers' daily logbooks had been destroyed.

Meanwhile, Russian troop commanders have collaborated with the Serb aggressors. According to U.N. personnel at the scene, Russian battalion commander Col. Viktor Loginov and senior officer Col. Aleksandr Khromchenkov frequented lavish feats hosted by a Serbian warlord known as ''Arkan,'' widely regarded as one of the worst perpetrators of atrocities. It was also common knowledge that Russian officers directed U.N. tankers to unload gas at Arkan's barracks. During one cease-fire, when Serbian materiel was locked in a U.N. storage area, a Russian apparently gave the keys to the Serbs, who removed 51 tanks.

Eventually, Khromchenkov was repatriated. Loginov, after finishing his tour of duty joined Arkan's Serbian forces.

Problems remained, however, under the leadership of another Russian commander, Maj. Gen. Aleksandr Perelyakin. Belgian troops had been blocking the movement of Serb troops across a bridge in northeastern Croatia, as required by U.N. Security Council resolutions. Perelyakin ordered the Belgians to stand aside. Reluctantly they did so, permitting one of the largest movements of Serbian troops and equipment into the region since the 1991 cease-fire.

According to internal U.N. reports, the U.N. spent eight months quietly trying to pressure Moscow to pull Perelyakin back, but the Russians refused. The U.N. finally dismissed him last April.

Cambodia.—In 1991, the United States, China and the Soviet Union helped broker a peace treaty among three Cambodian guerrilla factions and the Vietnamese-installed Cambodian government, ending 21 years of civil war. To ease the transition to Cambodia's first democratic government, the U.N. created the U.N. Transitional Authority in Cambodia (UNTAC). In less than two years, about 20,000 U.N. peacekeepers and other personnel were dispatched at a cost of $1.9 billion.

Some of the Cambodian ''peacekeepers'' proved to be unwelcome guests—especially a Bulgarian battalion dubbed the ''Vulgarians.'' In northwest Cambodia, three Bulgarian soldiers were killed for ''meddling'' with local girls. One Bulgarian was treated for 17 different cases of VD. The troops' frequent carousing once sparked a mortar-rifle battle with Cambodian soldiers at a brothel.

The Bulgarians were not the sole miscreants in Cambodia, as internal U.N. audits later showed. Requests from Phnom Penh included 6500 flak jackets—and 300,000 condoms. In the year after the U.N. peacekeepers arrived, the number of prostitutes in Phnom Penh more than tripled.

U.N. mission chief Yasushi Akashi waved off Cambodian complaints with a remark that ''18-year-old hot-blooded soldiers'' had the right to enjoy themselves, drink a few beers and chase ''young beautiful beings.'' He did post an order: ''Please do not park your U.N. vans near the nightclubs'' (i.e., whorehouses). At least 150 U.N. peacekeepers contracted AIDS in Cambodia; 5000 of the troops came down with V.D.

Meanwhile, more than 1000 generators were ordered, at least 330 of which, worth nearly $3.2 million were never used for the mission. When U.N. personnel started spending the $234.5 million budgeted for ''premises and accommodation,'' rental costs became so inflated that natives could barely afford to live in their own country. Some $80 million was spent buying vehicles, including hundreds of surplus motorcycles and minibuses. When 100 12-seater minibuses were needed, 850 were purchased—an ''administrative error,'' UNTAC explained, that cost $8.3 million.

Despite the excesses, the U.N. points with pride to the free election that UNTAC sponsored in May 1993. Ninety percent of Cambodia's 4.7 million eligible voters defied death threats from guerrilla groups and went to the polls.

Unfortunately, the election results have been subverted by the continued rule of the Cambodian People's Party—the Vietnamese-installed Communist government, which lost at the ballot box. In addition, the Khmer Rouge—the guerrilla group that butchered more than a million countrymen in the 1970s—have refused to disarm and demobilize. So it was predictable that they would repeatedly break the ceasefire and keep up their killing. The U.N. has spent nearly $2 billion but there is no peace in Cambodia.

Somalia.—When civil war broke out in this African nation, the resulting anarchy threatened 4.5 million Somalis—over half the population—with severe malnutrition and related diseases. U.N. Secretary General Boutros Boutros-Ghali, the first African (and Arab) to hold the position, argued eloquently for a U.N. peacekeeping mission to ensure safe delivery of food and emergency supplies. The U.N. Operation in Somalia (UNOSOM) was deployed to Mogadishu, the capital, in September 1992. It was quickly pinned down at the airport by Somali multiamen and was unable to complete its mission.

A U.S. task force deployed in December secured the Mogadishu area, getting supplies to the hungry and ill. After the Americans left, the U.N. took over in May 1993 with UNOSOM II. The $2-million-a-day operation turned the former U.S. embassy complex into an 80-acre walled city boasting air-conditioned housing and a golf course. When U.N. officials ventured out of the compound, their ''taxis'' were helicopters that cost $500,000 a week.

The published commercial rate for Mogadishu-U.S. phone calls was $4.91 a minute, but the ''special U.N. discount rate'' was $8.41. Unauthorized personal calls totaled more than $2 million, but the U.N. simply picked up the tab and never asked the callers to pay.

Meanwhile, the peacekeeping effort disintegrated, particularly as warload Mohammed Aidid harassed UNOSOM II troops. As the civil war continued, Somalis starved. But U.N. peacekeepers—on a food budget of $56 million a year—dined on fruit from South America, beef from Australia and frozen fish from New Zealand and the Netherlands.

Thousands of yards of barbed wire arrived with no barbs; hundreds of light fixtures to illuminate the streets abutting the compound had no sockets for light bulbs. What procurement didn't waste, pilferage often took care of. Peacekeeping vehicles disappeared with regularity, and Egyptian U.N. troops were suspected of large-scale black-marketing of minibuses.

These losses, however, were eclipsed in a single night by an enterprising thief who broke into a U.N. office in Mogadishu and made off with $3.9 million in cash. The office door was easy pickings; its lock could be jimmied with a credit card. The money, stored in the bottom drawer of a filing cabinet, had been easily visible to dozens of U.N. employees.

While the case has not been solved, one administrator was dismissed and two others were disciplined. Last summer, UNOSOM II itself was shut down, leaving Somalia to the same clan warfare that existed when U.N. troops were first deployed two years before.

Rwanda.—Since achieving independence in 1962, Rwanda has erupted in violence between the majority Hutu tribe and minority Tutsis. The U.N. had a peacekeeping mission in that nation, but it fled as the Hutus launched a new bloodbath in April 1994.

Only 270 U.N. troops stayed behind, not enough to prevent the butchery of at least 14 local Red Cross workers left exposed by the peacekeepers swift flight. The U.N. Security council dawdled as the dead piled up, a daily horror of shootings, stabbings and machete hackings. The Hutus were finally driven out by a Tutsi rebel army in late summer 1994.

Seven U.N. agencies and more than 100 international relief agencies rushed back. With a budget of some $200 million, the U.N. tried unsuccessfully to provide security over Hutu refugee camps in Rwanda and aid to camps in neighboring Zaire.

The relief effort was soon corrupted when the U.N. let the very murderers who'd massacred a half-million people take over the camps. Rather than seeking their arrest and prosecution, the U.N. made deals with the Hutu thugs, who parlayed U.N. food, drugs and other supplies into millions of dollars on the black market.

Earlier this year the U.N. began to pull out of the camps. On April 22, at the Kibeho camp in Rwanda, the Tutsi-led military opened fire on Hutu crowds. Some 2000 Hutus were massacred.

Where was the U.N.? Overwhelmed by the presence of nearly 2000 Tutsi soldiers, the 200 U.N. peacekeepers did nothing. A U.N. spokesman told Reader's Digest, meekly, that the U.N. was on the scene after the slaughter for cleanup and body burial.

With peacekeeping operations now costing over $3 billion a year, reform is long overdue. Financial accountability can be established only by limiting control by the Secretariat, which routinely withholds information about peacekeeping operations until the last minute—too late for the U.N.'s budgetary committee to exercise oversight.

In December 1993, for example, when the budget committee was given one day to approve a $600-million budget that would extend peacekeeping efforts in 1994, U.S. representative Michael Michalski lodged an official protest. ''If U.S. government employees approved a budget for a similar amount with as little information as has been provided to the committee, they would likely be thrown in jail.''

More fundamentally, the U.N. needs to reexamine its whole peacekeeping approach, for the experiment in nation building has been bloody and full of failure. Lofty ideas to bring peace everywhere in the world have run aground on reality: member states with competing interests in warring territories, the impossibility of lightly armed troops keeping at bay belligerent enemies, and the folly of moving into places without setting achievable goals.

It has been a fundamental error to put U.N. peacekeepers in place where there is no peace to keep,'' says Sen. Sam Nunn (D., Ga.), ranking minority member of the Senate Armed Services Committee. ''We've seen very vividly that the U.N. is not equipped, organized or financed to intervene and fight wars.''

[From Time, Dec. 11, 1995]

THE ART OF SELLING BOSNIA

(By Michael Kramer)

The man whose brilliant head knocking finally produced a Bosnian peace agreement two weeks ago traveled to Capitol Hill last Wednesday seeking another miracle: congressional support for the plan that will shortly land 20,000 American troops in an area steeped in hatred and skilled at war. ''It was kind of like running into a brick wall,'' says U.S. Assistant Secretary of State Richard Holbrooke, ''and the critics weren't just Republicans.'' Holbrooke addressed about 100 members of the House Democratic Caucus and received a standing ovation. It was ''great,'' he says, ''for about two minutes. Everyone was polite at first, saying things like 'Blessed are the peacemakers.' And then, one by one, they got up and shouted, 'But I haven't gotten a single call from a constituent supporting you yet.' It was the most friendly hostile experience I've ever had.''

The vote the Administration hopes to win will be taken soon, and the outcome remains uncertain. In the Senate, the support of majority leader Bob Dole will probably win the backing that Bill Clinton desires, and Dole's courage should not be minimized. With the exception of Senator Richard Lugar, all the other G.O.P. presidential candidates oppose Clinton on Bosnia—the most vocal being Phil Gramm, who, in declaring his position even before the President made his case, showed again that he seems never to have encountered a principle he won't rise above in the service of ambition. Dole knows what is coming (''I'll take some hits for this,'' he says), but he, more than most, respects presidential prerogatives and would like to enjoy them himself in 1997.

In moving to Clinton's side last Thursday, Dole highlighted an irony. Had the President earlier forced an end to the arms embargo against the Bosnian Muslims, Dole argued it might not be necessary for U.S. soldiers to enforce the peace agreement, an accord whose ultimate goal is to strengthen the Bosnians so they can defend themselves when the U.S. leaves. As a consistent opponent of the embargo, Dole had the standing to complain. But the heart of the matter, he said on the Senate floor, is simple: ''The troops are on their way. We cannot stop their deployment,'' and they deserve ''our support.''

Will that rationale resonate in the House? Early indications are that Speaker Newt Gingrich will declare a ''conscience vote,'' which means members can do as they please without regard to party loyalty. ''The problem with that,'' says Holbrooke, ''is that many Representatives are so new that they've never had to cast a pure national security vote.'' Indeed, 210 of the House's 435 members (including 134 Republicans) weren't in Congress in 1991, when it narrowly voted to support George Bush's war against Iraq. ''Most of them,'' says Holbrooke, ''don't like spending money on anything, view all issues as partisan fights and have never had to wrestle with something like Bosnia.''

The Administration will clearly take any resolution it can get, even a weak one that says, in effect, ''The President is sending the troops; we support the troops.'' That there will be a vote of some kind seems all but certain. Clinton has asked for a congressional expression. If Congress ignores that call, it will marginalize itself, which Holbrooke insists would be a ''dumb'' move. ''It may seem paradoxical, but the best way to stick the policy on us is to support us. If we fail, and Congress hasn't voted, they'll share the blame. If they vote to support the troops in the field, they can still blast the policy,'' he says.

By pushing an unpopular course, Clinton looks presidential (a rarity for him), and if all goes well, he could win some credit on Election Day. In fact, if all he has done is buy time, that could help too. The President could claim that he tried, and if the factions delay resuming their war till the U.S. goes home, he could be saying that from the cozy perch of a second term.

But far more than the politics of 1996 is involved here. A ''no'' vote by Congress would be ''catastrophic'' to use Vice President Al Gore's word. It would constrain the Bosnian operation (both strategically, if the mission must be changed, and financially, if more must be spent), but the true downside of a negative congressional resolution could come later during a future horror. Then, when a U.S. President seeks to lead, those asked to follow could not be faulted for wondering if Congress will go along. ''We only have one President at a time,'' says Dole, and his word must count. Since other crises will surely come, the question of who leads in dealing with them will always matter. ''And no one but us will ever lead,'' says Gore. ''And who would we want to lead besides us, even if they were willing?'' asks Dole. ''The Germans? The Japanese? Gimme a break.''

As the drama plays out this week, Clinton may yet again speak to the nation. ''If Dole says Clinton needs to give another speech to win the vote,'' says a White House aide ''he will.'' If he does, the President might consider repeating the lines he used last Wednesday in London: ''In this new era, we must rise not to a call to arms but to a call to peace. . . To do so we must maintain the resolve we share in war when everything was at stake. In this new world our lives are not so very much at risk, but must of what makes life worth living is still very much at stake.''

[From Newsweek, Dec. 11, 1995]

WE'RE THE ONES WHO DIE

(By David H. Hackworth)

The fog was so thick in Baumholder that President Clinton had to drive from Ramstein AFB, instead of choppering in. This miserable spot in Germany hasn't changed much since I trained here in the early 1960s. It's now the home of the ''Old Ironsides''—as the first commanding general dubbed the First Armored Division, comparing the inside of his tank to the famous American warship. As dismal a place as Baumholder—known as a soldier's Siberia—is, it's a perfect setting for a pep talk about the grim mission ahead.

Our warriors know what they're up against. I hooked up with the Third Platoon of Company B, Fourth Battalion, 12th Infantry, which will move out in mid-December. When I asked them if they were ''good to

go,'' all 23 voices shouted, ''Hoo ah!''—the equivalent of a paratrooper's ''Airborne!'' or a marine's ''Semper fi!'' But like all soldiers going into a potential killing field, they're concerned about the unknown ''Our biggest worry is the mines,'' says Sgt. Darrell McCoy. The Third Platoon has been well trained to handle those widow-makers. But that doesn't make the ''gnawing feeling go away,'' confides Sgt. Robert Crosbie, ''We're a mech unit, and our Bradleys are vulnerable'' to land mines, which can pierce the thin armor like a sledgehammer going through a watermelon.

The division looked formidable as it awaited the commander in chief. At attention, the soldiers stood like tall rows of corn when the 21-gun salute sounded. Clinton spoke for 22 minutes. The troops especially liked hearing about the rules of engagement. ''If you are threatened with attack,'' (the president said) ''you may respond immediately—and with decisive force.''

But after Clinton took off, a certain gloom set in. One soldier complained that the visit was ''a pain in the ass'' because it ruined his Saturday, normally a day off. Some griped about spending Christmas in Bosnia. Others felt the president's address reduced them to props ''His talk seemed more designed to motivate the American public than us,'' groused an NCO. Some of the grumbling was plain old bitching—as familiar and comforting as an old pair of boots. But one sergeant, miffed at Clinton's pledge to accept ''full responsibility'' for any U.S. casualties, expressed a collective resentment. ''We're the ones who are going to die,'' he said.

While Washington debates the exit strategy, the grunts are worried about what will happen when they get there. Many soldiers I talked to think the 12-month mission to cool down the warring factions is too short a time, a ''fairy tale'' invented by politicians. ''If we don't do this right,'' explains a sergeant, ''we'll end up being the meat in the sandwich; it will be Vietnam all over again.'' The First Armored Division now designated Task Force Eagle—will go in cocked, locked and ready. It can deliver a terrifying punch; tank M–1 Bradley and artillery fire, Apache and Kiowa armed helos shooting Hellfire missiles, 30-mm cannons and 50-caliber machine guns, and infantry weapons and all the thunder that NATO aircraft can bring. No one's afraid of a fire fight.

But what about an ambush? The Third Platoon is currently down nine guys for the rugged, hilly terrain of central Bosnia. Will the new recruits click with the team during dangerous and uncertain operations? Lt. Salvatore Barbaria, the platoon leader with recruiting-poster good looks, left little doubt about his men's resolve. ''War fighting or peace enforcement,'' he said. ''That's our job.''

[From the New York Times, Dec. 5, 1995]

EUROPE HAS FEW DOUBTS ON BOSNIA FORCE

(By Craig R. Whitney)

PARIS, Dec. 4.—Except in Germany, the European debate about sending troops to join the NATO peacekeeping force in Bosnia was over before it started in most other countries. Nearly every other European country already had troops there with the United Nations force, which NATO will replace after a peace treaty is signed here 10 days from now.

''France has lost 54 soldiers in Bosnia, and almost 600 have been wounded,'' Defense Minister Charles Million said recently, explaining his Government's willingness to join the NATO force. France led an effort last summer to give the United Nations soldiers more artillery firepower and ground reinforcements, and Mr. Million said that the heavily armed NATO force was the best chance yet of permitting peace to take root in Bosnia.

France and Britain, which has lost 18 soldiers in Bosnia, will provide the NATO operation with about 24,000 troops together, drawing many of the soldiers from their United Nations contingents already there. This is nearly as many as the United States will have in Bosnia and in support assignments in Croatia.

Both countries were empires until half a century ago, and are used to deploying troops to trouble spots.

''We have a long history of having an essentially professional army which was sent all over the Empire to fight, and that attitude has tended to survive a bit,'' said Sir Laurence Martin, the director of the Royal Institute of International Affairs in London. ''Sending troops for limited operations is something the British take great pride in, and because of the history of fighting colonial wars, there is a belief that the British are particularly good at peacekeeping operations short of war.''

Officials from these and other European countries believe American fears of casualties in Bosnia are overdrawn.

''If you go to war, you get killed from time to time,'' said Andre Querdon, spokesman for the Belgian Foreign Ministry and formerly the ministry's liaison officer with several hundred Belgian troops in the United Nations force in Croatia.

In most European countries, there is more anguish about Europe's failure to stop the war in Bosnia in spite of the sacrifices it has made over the past four years.

Christian Soussan, 22, a student at the Institute of Political Studies in Paris, said, ''At least these troops will be able to shoot back when attacked, and they won't just look on passively at ethnic cleansing.''

Sibylle Dura, a 21-year-old student of French literature at the Catholic Institute in Paris, said of the lightly armed United Nations mission: ''They were quite useless in going just to sit there. They should have been more forceful at the start.''

France and Britain have made clear that they will pull their troops out of Bosnia at the same time the United States does, in about a year.

The Netherlands, whose soldiers with the United Nations force near Srebrenica were unable last summer to prevent the Bosnian Serb army from overrunning Bosnian Government positions there and executing hundreds of Muslim men and boys, will put its 2,100 troops now in Bosnia under NATO command.

''The debacle at Srebrenica has made a difference,'' said Gerrit Valk, a Dutch Labor Party Member of Parliament. ''People are now asking more questions. There are more reservations about this than, say, two years ago.''

Peter Paul Spanjaard, an 18-year-old Dutch high school student in Sittard, in the southeastern Netherlands, said: ''I'd be scared if I had to go. But as long as this is for a good purpose and all the other countries are taking part, I think we should, too.''

The Dutch Parliament is expected to approve the NATO mission later this week.

Germany sent no ground troops to the United Nations force in Bosnia, out of concern that memories of the Nazi occupation in the Balkans during World War II were still too vivid even 50 years later. But on Wednesday, the Parliament in Bonn is expected to give approval to Chancellor Helmut Kohl's decision to provide 4,000 support troops to the NATO force. Most of them will be stationed in neighboring Croatia.

''Nobody in Germany or anywhere else would understand if we said we had to stay out even though all the combatants have asked us to come in,'' said Daniel Cohn-Bendit, the onetime leader of the 1968 student uprising in Paris and now a member of the largely pacifist Greens party. ''I am sure that quite a few Green members of Parliament will support the Government on Wednesday.''

In the student bars of Frankfurt and Bonn, many young Germans seem less reluctant to consider military involvement than the 1968 generation, whose thinking dominates both the Greens and the opposition Social Democratic Party today.

''I think it is good for German soldiers to be part of the peacekeeping force,'' said Daniela Paas, a graduate student in American Studies in Bonn. ''Germany should have taken part a long time ago. We are members of NATO, after all.''

Martin Zieba, 21, a law student in Bonn, said: ''If they are attacked, they should be allowed to defend themselves. But they shouldn't take the offensive.''

But Klaus Eschweiler, a 24-year-old history student, said, ''Because of our history, it could leave a bad taste in a lot of people's mouths.''

Walther Leisler Kiep, a Christian Democratic party leader, said: ''German participation grows from recognition that we can no longer use our past as an alibi. Our past makes us duty-bound to step in where genocidal policies or racism lead to horrible events like the things we've seen in the former Yugoslavia in recent years.''

OPERATION JOINT ENDEAVOR

United States.—20,000 heavily armed U.S. ground troops, about 13,000 of them from U.S. 1st Armored Division, based in Bad Kreuznach, Germany. Other Germany-based U.S. units are to supply most of the rest, along with 2,000 to 3,000 reservists. Troops are to be equipped with about 150 M1–A1 Abrams tanks, about 250 Bradley fighting vehicles and up to 50 AH–64 Apache attack helicopters.

Headquarters: Tuzla, northeast Bosnia.

Britain.—13,000 troops, incorporating units from its U.N. contingent already in Bosnia. The force will comprise a divisional HQ, a brigade with armor, infantry and artillery. Air and sea forces in the area will contribute to the operation.

Headquarters: Gornji Vakuf, central Bosnia.

France.—10,000 troops, with about 7,500 in the peace force itself and the remainder on logistics duty, either on ships in the Adriatic or at air bases in Italy. There are already about 7,000 French soldiers on the ground, including about 3,300 with the NATO Rapid Reaction Force and 3,800 with the United Nations.

Headquarters: Probably Mostar, southern Bosnia.

Germany.—4,000 soldiers, primarily to support logistics, transport, engineering and medical units. It will also make available radar-busting Tornado fighter-bombers based in Italy. Most of the German contingent will be based in Croatia.

Italy.—2,300 troops, with 600 more in reserve at home.

Norway.—1,000 troops as part of a Nordic brigade.

Spain.—1,250 ground troops, two frigates, eight F–18 aircraft, two Hercules C–130s and a C–235.

Portugal.—900 troops. The government approved sending troops from the Independent Air-Transport Brigade, including about 700 combat troops, 200 support troops and 120 vehicles.

Netherlands.—About 130 Dutch soldiers will leave for Bosnia next week as a preparatory force. A cabinet decision on the full complement will be made Dec. 8 and submitted to parliament for approval Dec. 13. The

Dutch media say the force will include 2,000 military personnel, including an armored infantry battalion, a tank squadron, one Hercules transport aircraft, two F–27 aircraft and 12 F–16 jets.

Troops from Denmark and Turkey will also join the peace force.

Non-NATO members

Russia.—2,000 combat troops and a 2,000-strong logistical support unit.

Troops from Finland, Sweden (about 870), Estonia, Hungary (about 100 technical personnel), Latvia, Lithuania and Poland will be offered to the peace force.

□ 2230

Save them from going to their libraries and looking up old Reader's Digest. Mr. Speaker, I ask unanimous consent to put four articles into the RECORD at this point, and then turn his own time back to Mr. ABERCROMBIE, or if I could ask unanimous consent to put them at the end of the special order of the gentleman from California [Mr. CUNNINGHAM] and myself. That keeps the special order of the gentleman from Hawaii [Mr. ABERCROMBIE] clean.

As a matter of fact, this article, ''Europe Has Few Doubts on Bosnian Force,'' which gives the best troop breakdown on our NATO allies, and how they are not equaling what we are doing anywhere nearly close enough in manpower. This is by Craig Whitney, and I believe it is from the New York Times. Another page of facts and figures that goes with it with the same article.

I neglected to put in the Reader's Digest article last night from the October issue, ''The Folly of U.N. Peacekeeping With Scandals in Bosnia, Cambodia, Somalia and Rwanda,'' all of the U.N. vehicles lined up at the whorehouses with documents saying, try not to put your vehicles too near the night clubs, they call them.

Then I would like to put in the November article, the ''United Nations Is Out Of Control,'' last month's Reader's Digest. This will at least bring American taxpayers to an angry point of saying, if the United Nations must be saved, it must be saved from itself. It has no accountability. They treat money like it grows on trees. None of them pay taxes, nobody is accountable.

Again, I want to close on this picture, a two-page spreadout, the same one that is on the front page of the L.A. Times, of Clinton in Bosnia with the troops, our forces there; here it is; and I am all through with this one last picture, even though it is going to be a long shot. There is Clinton with all the top sergeant majors, the commanding general whose biography I would like to put in at this point, as I am going to put in the history of first armored division fighting from Algiers, Tunisia, Anzio, Salerno, and all the way up into the area where BOB DOLE was so savagely wounded. How did Clinton set this up where he said to all of these people, will you follow me? Will you follow me down this driveway, chin up in the air like Mussolini, jaw jutted out, neck muscles flexing, and there he walks saying, follow me, but only as far as the reviewing field. You will go on to Bosnia by yourselves; I will be back in the White House thinking about a 7-year balanced budget.

Mr. Speaker, I appreciate the courtesy of the gentleman from Hawaii [Mr. ABERCROMBIE], and I would say to the gentleman, what goes around comes around. I will do it for you sometime, NEAL.

MAGIC FORMULA FOR BALANCED BUDGET IS ILLUSION

The SPEAKER pro tempore (Mr. LONGLEY). Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, Mr. DORNAN has given me, with his last sentence, literally a transition point for the issue that I wish to discuss this evening yet once again, and that has to do with the so-called balanced budget.

Mr. Speaker, as you may know, and certainly others of our colleagues who have been paying attention to both debate during the bills at hand, and in special orders with respect to the budget reconciliation bill, that I have, among others, been saying for some time now, that this magic formula that is being proposed by the majority about a balanced budget is in fact an illusion.

Now, Mr. Speaker, rather than just taking into consideration the observation of the majority leader, Mr. ARMEY, the other day that politicians could get hit by a train and get back up and say I got the best of that deal, so therefore, we cannot pay much attention to politicians, let me make some references then to some of the people in the press, some of the journalists who have been doing their homework on this issue. Here is the fundamental premise, Mr. Speaker.

I am maintaining that there is no balanced budget in 7 years. What bothers me is that most journalists, when they report this, and when I say most journalists I am talking across the board up to and including public radio and public television, all of the networks, they simply report what is said and then what the reaction to that is as if they were covering a tennis match from one side to the other. Nobody asked the basic question of the Speaker of the House, who has, despite his indications that he was going to take a more reticent position, to step back; I think he said he was going to bench himself.

In the last 2 days the Speaker has come forward with threats about crashing the stock market, driving interest rates through the roof, demanding that his plan for a balanced budget be the basis of the budget reconciliation bill.

Mr. Speaker, I submit to you and to my other colleagues, and I have offered again and again during special orders the opportunity to other Members to come down and refute what I am saying. It is not that I want to engage in a contest, because this is far too important for trying to score points, but it is a simple question of whether we are in fact, as Mark Twain has said that the truth is so rare we ought to be very careful in spending it.

The fact of the matter is that there is no balanced budget proposal on the table. There is no balanced budget proposal on the table that is being negotiated between Speaker GINGRICH and the White House. I say Speaker GINGRICH; I know there are other negotiators there, but I think we all know that nothing is going to move in the House, according to the Speaker, in any event today, if I am to understand his declaration today correctly, that we have to abide by his proposal for a balanced budget in 7 years, or we do not move.

Now, as I say, all kinds of threats are involved in that. I am a legislator all my elected life. Maybe Speaker GINGRICH, having only run for the Congress of the United States and spent all of his time in the Congress of the United States, and for the first time being in the majority, has not had the same kind of opportunities or experiences that I have had as a legislator.

I have been a legislator as well as a member of civic organizations and community organizations; I have been an officer of them. I have been on the city council, I have been in the State House, I have been in the State Senate. I do not cite that as any particular virtue, but simply as a recitation of the record with respect to legislative experience. That experience tells me that you do not get anywhere in negotiations by threatening the other side or laying down absolutes to them, particularly when there is no basis from your side.

I am perfectly willing at any time, and I am sure members of the Democratic Caucus are and those who are doing the negotiating, up to and including the President of the United States and his representative, Mr. Panetta, are quite willing to try to come to an agreement. This is not a Parliament. This is a constitutional system with a division of houses, a legislative and executive branch, and as much as the Speaker would like to be Prime Minister of the United States, he is not. He is the Speaker of the House. Therefore, if he is going to negotiate with the Executive, he is going to have to come to the table with some honest numbers.

He says that that is what it is that he wants to do, but the fact is, and I will repeat it again and again and again until some people I hope in the media, whom we have to depend upon; and Mr. Speaker, Mr. Jefferson said at one point that he would prefer in a democracy as opposed to free elections and a free government and a free press, he preferred a free press, because the press is what secures our freedom. Yet the free press in this particular instance has been remiss and not doing

its duty in asking the Speaker, what does he mean when he comes to the table and says a balanced budget.

Mr. Speaker, I contend that there will be at least $1 trillion in additional deficit in this so-called balanced budget. Now, if someone can come to the floor and refute what I am saying, I probably should not use the word refute; again, it sounds like it is a contest, but if someone can come and explain how that is not the case, Mr. Speaker, I would like very much to hear it.

Now, this is not merely an observation that I am making. Let me make reference to an article in USA Today, Monday, October 23, 1995, by William Welch. I called Mr. Welch because I was interested to see that there was actually a member of the working press who had gotten into this issue.

Let me explain to you what it is that I am contending, that is to say what is behind my contention that the proposal for a balanced budget is in fact not a balanced budget. It is a political illusion because apparently, or for whatever the political reason, the political agenda, I presume it has to do with election politics in 1996, the Speaker wants to make the claim that his party has been for a balanced budget. What he is really talking about is whether or not the deficit can be reduced.

There is not going to be a balanced budget in this century, I can assure you of that. There is not going to be a balanced budget, as the average person understands a balanced budget to be, in this century. If we adopt some reforms, some genuine budget reforms, as I have mentioned previously, like separating our capital spending from our operating budget, going to a biennial budget, and other reforms that we might take up next year, perhaps then we can move genuinely towards balancing the budget while we reduce the deficit. However, in the budget that is being proposed by the Speaker and is now the subject of negotiation, he is actually increasing the deficit. The deficit is going to increase. I can give you the exact numbers.

For fiscal year 1996, $245.6 billion, and on through 1997 and on up to the year 2002. In the year 2002, when we are supposed to have a $10 billion surplus, we are actually going to have a deficit of $108.4 billion, according to the budget document that the Committee on the Budget has put forward. You need only read on page 3 of the budget document that Mr. KASICH and the Committee on the Budget put forward, which is sitting on the table down at the White House, and see that what I am saying is the case.

Let me repeat it. We are going to increase the deficit all during this time. How then is it possible for us to say that there is going to be a balanced budget? How is it possible for the Speaker, although he has never been shy, as we know, in going on television and making claims of one kind and another, how is it possible for him to say that he is going to have a balanced budget? Mr. Speaker, the answer is very simple. He is not going to use the off-budget numbers.

Now, I do not think that the average American is aware of the fact that we have two different kinds of budgets here. We have accounting games that go on at the Federal Government level. We have figures that are on budget and we have figures that are off budget. Now, Mr. Welch's article is entitled ''Off-budget Spending Hides Red Ink.'' That is not me speaking. This is the editorial judgment of USA Today in terms of those who are writing the headlines. ''Off-budget Spending Hides Red Ink.''

Let me quote from it for a little bit. ''Senate Republicans were crowing last week,'' I am quoting now from Mr. Welch's article, ''Senate Republicans were crowing last week after the Congressional Budget Office certified that their budget plan would bring the Federal books into balance in 7 years. But the Congressional Budget Office has another set of figures that GOP leaders are not talking about. It shows that under the GOP budget plan, the government will have to borrow at least $105 billion in the year 2002, the target year for a balanced budget. Only in Washington, to borrow a phrase from opponents of government, would a budget dependent on continued borrowing be judged in balance.''

Mr. Speaker, what that means is that Mr. Welch has hit upon the secret, the hidden secret of the Republican balanced budget: You take money from the Social Security trust fund.

Now, the fact that it is in the Treasury, the fact that it is supposedly sacrosanct in the Treasury allows them the verbal gymnastics of being able to say, well, we are not really taking the money. Well, of course you are. You are borrowing the money and you have to pay it back with interest. You are going to borrow, if you use the figures of the original budget resolution, some $636 billion. That was the figure in January. I know that because I have a letter here dated October 20, 1995, from the Congressional Budget Office, and its Director, June O'Neill.

□ 2245

It is addressed to a Member of the U.S. Senate and copies to two other Members of the Senate, including the chairman of the Budget Committee. ''Dear Senator: Pursuant to section 205(a) of the budget resolution for fiscal year 1996, the Congressional Budget Office''—and this is the office that is cited by the Speaker as being the source of his figures for this budget—''the Congressional Budget Office provided the chairman of the Senate Budget Committee on October 18 with a projection of the budget deficits or surpluses that would result from enactment of the reconciliation legislation submitted to the Budget Committee. As specified in section 205(a), the Congressional Budget Office provided projections''—this is what is being used for these budget figures, Mr. Speaker, projections of the Congressional Budget Office, that was insisted upon by the Speaker.

Ms. O'Neill then has a parenthesis, ''using the economic and technical assumptions underlying the budget resolution and assuming the level of discretionary spending specified in that resolution,'' end of parenthesis, ''of the deficit or surplus of the total budget, that is, the deficit or surplus resulting from all budgetary transactions of the Federal Government, including Social Security and Postal Service spending and receipts that are designated as off-budget transactions.'' Now, Mr. Speaker, maybe you can get away with this in your household. I doubt it. I cannot get away with it in my household. So far as I know, there is not an American family that can get away with having off-budget transactions.

Those who do off-budget transactions find themselves in the courts. They find themselves under felony indictment for fraud. They find themselves in situations in which they are accused of kiting checks. They find themselves in a situation in which they have written checks from accounts in which there are insufficient funds, or they find themselves under the racketeering statutes under indictment in court. But for purposes of accounting, for political purposes, the Republican budget says, ''Oh, we're going to count this off-budget transaction.''

Now what is off-budget? All the money that comes out of your paycheck for Social Security that you are paying in right now is being, as was described by one of the Senators who very unfortunately passed away, as embezzlement from the Social Security system.

I go on, again quoting from Director O'Neill's letter of October 20 from the Congressional Budget Office: ''As stated to Chairman Domenici, the Congressional Budget Office projected that there will be a total-budget surplus of $10 billion in 2002.'' But the next sentence says, ''Excluding an estimated off-budget surplus of $115 billion in 2002 from the calculation, the Congressional Budget Office would project an on-budget deficit of $105 billion in 2002. If you wish further details on this projection, we will be pleased to provide them.''

Now, Mr. Speaker, we both know that there is a new set of figures that are going to come from the Congressional Budget Office. They were supposed to arrive this week. They did not arrive. That is why the budget negotiations are stalled. We are going to get a new series of numbers.

So when I give you the number $636 billion, that is based on what took place from the Congressional Budget Office estimates in January 1995. They have a new set of projections in August of 1995, different numbers, and I expect they will have different numbers again.

But whatever the numbers are, it is the process that counts.

Here I have a letter from the Congressional Budget Office. This is the office that Mr. GINGRICH says he wants to rely upon for the figures for his balanced budget proposal, and here you have the director of the office, in a letter written on Congressional Budget Office stationery on October 20 of this year, saying that, and I quote, ''Excluding an estimated off-budget surplus of $115 billion in 2002,'' parentheses, in the Social Security trust fund, ''from the calculation, the Congressional Budget Office would project an on-budget deficit of $105 billion in the year 2002.''

Mr. Speaker, there is no way that you can continue to have budget deficits year after year after year, take money from Social Security, the principal and interest of which is due to the Social Security trust fund, and then not find that you have actually increased the deficit rather than balancing the budget, and increased it by a sum in excess of $1 trillion by 2002.

When you have done that, you have not begun to deal with the question of what happens after 2002. Is the Government of the United States going to stop in 2002? When you have this magic number of 7 years associated with the balanced budget, are people in this country under the impression that suddenly in the year 2002 we are not going to owe any money? And that which we have borrowed up until 2002 somehow will be paid in 2003 and beyond by some plan which has not yet been enunciated?

Has any journalist asked the Speaker, what do you plan to do in 2003? And what do you plan to do in 2014, 2015, 2020 and 2030, when the money you have taken from Social Security is due to those who are then eligible for it? Where is the money going to come from?

Mr. Speaker, I am down on this floor, I am in the special order, it is late at night here in the East. As you go across the country, it is a little bit earlier. I know people are tuned into the Government. I hope some people are listening tonight.

I hope somebody out there understands that the Government is going to go on beyond the year 2002, and that unless you want the immediate political benefit of being able to claim that you are balancing the budget when in fact you are increasing the deficit, increasing it at a rate that is unconscionable, there is no cold war.

The deficit increased by trillions of dollars at the time of President Reagan and through President Bush's administration, in which at least the argument was made that we had a foe that we had to fight and so it was necessary to borrow this money. There was some discussion that if we ran deficits and cut taxes that more revenue would come in. That did not happen, but at lest there was a rationale for it.

So history now tells us that when you increase spending, when you cut taxes for the wealthy, when your revenues go down, that your deficit is going to increase. It is going to increase. And this does not change anything. It not only does not change it but it exacerbates the situation.

Notice again I am down here talking, I know there are other people that are out there that are familiar with the budget. I certainly do not pretend to be an all-around expert on the budget, but I tell you, Mr. Speaker, I have not been elected for more than two decades by being slow on my feet and not doing my homework.

I know that the budget is not going to be balanced. I know that the funds to offset the deficit are coming out of the Social Security trust fund, and I know that there is not a word in that budget reconciliation bill that proposes one single dollar of how that deficit is supposed to be made up, and how the money being borrowed from Social Security is going to be repaid so that the recipients who are due that money are going to be able to get it in the next century.

It is right here from the Congressional Budget Office.

Now, if people in this country want to have on-budgets and off-budgets, I suppose that we can do that. But do not tell me that is an honest number.

Mr. Speaker, I have been in the minority of the majority before. When I served in the majority, in my legislature or in the council or now in the House of Representatives, I have been in the majority and I have been in the minority, I have won elections, I have lost elections.

I have been a minority in the majority as I have said, but I will tell you this, I have never in my life, and I have served on ways and means committees and I have served as chairman of subject matter committees. So I understand what it is when you are told that you have a cap, when you have a certain amount of money that you have to spend and you have to make tough decisions. I have made thousands and thousands of those decisions, as has every other legislator who has spent any time thinking about what their legislative duty is.

And I know that when somebody tells me that there is something off-budget that can be counted, it amounts to what at the State level, Mr. Speaker, or at the county level, at the village level or town level, would be a special fund.

Now we special fund all kinds of things in the State of Hawaii, and I expect you do it in your State and everybody else does. Maybe it is the airport fund, where the fees that come in for the airport, landing fees and so on, are put into a special fund and you know that the money that comes in is going to be spent for airport activities, or highway transportation fund. People pay taxes on the gasoline that they buy and they know that the money that comes in from that the surplus, if you will, from those funds are going to be spent on highway projects.

Well, the Social Security trust fund is supposed to be for Social Security. It is not there as a piggy bank to be looted at will with an IOU in it that says, ''I'll pay you back at some time in the future. Catch me on that when you can.'' But that is what this proposal does.

Mr. Welch has caught it. Let me go on with some more of his article.

''In figuring the Federal budget deficit, Congress does not count the government's spending from certain trust funds, principally from the fund for Social Security benefits. By law,'' Still quoting from Mr. Welch, ''Congress has placed the Social Security trust fund off-budget,'' Quote, unquote.

''The surplus, the amount left after Social Security payroll taxes are used to pay benefits to current beneficiaries, is invested in Treasury securities. That money, in turn, flows into the federal treasury and is spent on everything from congressional salaries to fuel for battleships.''

In other words, we have borrowed against ourselves. We have borrowed our own money. When you borrow the money, you have to pay it back. It is not a paper transaction. It is real money we are talking about here. It is money that has to be paid back.

I have asked my Republican colleagues again and again about this, and about the only answer I get is, other Democratic Presidents have done this, Democratic Congresses have done the same thing.

I am not the one who came here saying, oh, it is not going to be business as usual, we are going to change the way everything is done around here, we are going to change the Government, we are going to do things the right way, we are going to be honest with our numbers. The Speaker says that over and over and over again.

When you used off-budget numbers before, off-budget funding before for other things, it was to fund the budget for that year. Nobody was kidding themselves that they were balancing the budget. If anything, what we tried to do—and we started with President Clinton's budget, the first budget, I would remind the Speaker, since Harry Truman in 1948 that in consecutive years reduced the absolute amount of the deficit and the rate of the deficit.

Mr. Clinton's budget did not get rid of the deficit but it started us on the path. I think that the Committee on the Budget and others always use the words glide path. This has become the new catch word. A glide path. The glide path does not start with this budget—I do not want to characterize it as phony, the way the Speaker uses the word phony all the time, because that is pejorative. I am not going to say that. But what I will say is that illusionary budget, the illusion of this so-called balanced budget is such that you do not have the glide path that President Clinton started sustained.

President Clinton's budget has reduced the deficit and reduced the rate

of the deficit and has done so far 3 years running.

You cannot take it all out or the economy would collapse. This is the same kind of thing, no different than when you are trying to pay your mortgage and buy a car and get the washing machine. You figure out how much money is coming in, you figure out how much you can spend a month or over the year, and that is how you balance your budget.

It is your ability to pay, and that has to be judged against your gross income, your expected revenues. That is what banks do when they loan you money for a house. They are betting that you will be able to sustain your payments on the mortgage for whatever the period of time is for that mortgage.

Now, this is what people understand to be a balanced budget. But does anybody presume that they do not have to pay the mortgage? That when they borrow the money they do not have to pay it back or they just pay a portion of it back, that thee is no plan, that there is no obligation?

We are mortgaging the Social Security trust fund so that the Speaker can say he is balancing the budget. I do not know if you will be here 7 years from now. I do not know if he is going to be here next year, unless we do change the system of government here to the prime minister or parliamentary system he seems to admire so much. I think he is subject to election just like I am and just like you are, Mr. Speaker.

We talk about 7 years as if we can commit the next Congress to this 7 years. We cannot commit the next Congress. We cannot even commit this Congress next year to what the budget allocations are going to be.

And there will be two Presidential elections before this 7 years is up. We have no idea whether President Clinton or anyone who might succeed him will have the same desires, the same plans, the same proposals.

□ 2300

But even if we grant this 7-year process and do our level best in a manner of good faith and goodwill to try to implement it, the fact still remains the question has not been answered about what do you do with the mortgage on Social Security. And unless we can answer the question that is inherent is Mr. Welch's article, it cannot be done.

Now Mr. Welch is not the only one who has brought this up. Mr. Lars-Erik Nelson, in the New York Daily News, October 20, scarcely a little over a month ago, let me quote him from the article entitled ''Borrowing from Social Security to Aid the Rich,'' Lars-Erik Nelson, ''See that social security deduction on your paycheck? It is the key to the Republican plan to 'balance' the Federal budget while giving tax cuts to the wealthy.'' That is not me saying it. That is Mr. Nelson's observation from reading the budget.

Again quoting, ''In 2002, the year Republicans have been promising a balanced budget, they will, in fact, come up $108,000 billion short. According to the House Budget Committee's report.'' Now there, Mr. Speaker, I submit to you is a third party, not me, not someone with a partisan political agenda, someone else coming up with the exact same figures that I just gave you from the budget.

Again quoting, ''The Republican plan makes up the different by borrowing, the late Senator John Heinz of Pennsylvania called it embezzling, from the social security trust fund.''

Going on, ''The Republican plan continues the embezzlement in pure accounting terms. The Republicans are right, if the amount of money the government collects in a given year equals the amount that it pays out, the budget is in balance. But borrowing from the trust fund to cover current operating costs means raising taxes on the next generation, our children, to pay back the debt to the trust fund.''

I will say one thing on this, Mr. Speaker, and I hope it does not sound pejorative because I try to keep comity on the floor. I like to have good relations with all my friends and colleagues here, despite whatever differences we might have. I am getting a little sick of hearing people talk with crocodile tears about their children and their grandchildren and how the balanced budget proposal is on behalf of their children and their grandchildren. I would like those people to explain, not to me, but explain to the American people and explain to those children and grandchildren how they are taking care of those kids by upping the ante on what they have to pay for what their mothers and fathers borrowed without paying it back.

Let me read it to you again: ''The Republican plan continues the embezzlement. In pure accounting terms, the Republicans are probably right.'' In pure accounting terms, parenthetically, in pure accounting terms, that is what the Republican Party always wants to do. The old saying is the Democrat borrow, Republicans collect interest. Hah, hah, where this balanced budget is concerned, let me tell you, that will be true with a vengeance.

Reading again from Mr. Nelson, ''If the amount of money the government collects in a given year equals the amount that it pays out, the budget is in balance. But,'' and there is always the ''but,'' ''But borrowing from the trust fund to cover current operating costs means raising taxes on the next generation, our children, to pay back the debt to the trust fund.''

I have yet, Mr. Speaker, despite my best efforts, and as I say, I believe I am open and available to anybody on either side of the aisle on this, I have asked again and again of my friends with whom I have had discussions of varying lengths about this issue, how do you propose to pay back the money to the Social Security fund? Nobody that I speak to, by the way, Mr. Speaker, on this issue denies to me that this is what is going to happen, that this is how the budget ostensibly is being balanced.

Now I will repeat, I could not get away with this in my family. I could not get away with it. I do not know of a Member here that can get away with it in their own family budgeting. It cannot be done. We propose to do it and get away with it. The press is letting this slide. This is almost the only way we have to try and get this out is to take advantage of the fact that we have our special orders and hope that somebody in the press, like Mr. Nelson, like Mr. Welch, will pick up on it and begin to explain to people from the Fourth Estate, from the press, from someone who is not directly involved in the political process, from partisan views, partisan viewpoints, begin to explain to people what exactly is happening.

In addition, quoting again from Mr. Nelson, ''In addition, using Social Security deductions to balance the budget means that working people who cannot escape that FICA deduction,'' that is what is called the FICA deduction, that is your social security deduction, who cannot not escape that deduction on their paychecks make up the shortfall caused by tax breaks for the wealthy and for business. Mr. Nelson quotes internally, ''It is the largest transfer of wealth from labor to capital in our history,'' Senator DANIEL MOYNIHAN, Democrat, New York, said yesterday. We are using a 15 percent payroll tax, the combined burden on employer and employee, to pay the interest on Treasury bonds, which are generally not owned by blue-collar workers.

It is the working people. So when people say is there a difference in the parties, I say there is.

Mr. Speaker, I respect the position you have and other Members of the majority have. You are freely elected by your constituents. But I believe I also have the right and the obligation to point out, I believe, the position we are taking as Democrats is to defend the working people of this country and to defend their interests against great wealth. Great wealth can always take care of itself. Great wealth can take these bonds and get this interest.

What I ask, Mr. Speaker, is that these points be taken into account, and I hope that we will find ourselves dealing honestly with this budget. You will find in days to come, Mr. Speaker, that the plan that the President is putting forward, that is to say, the proposal, the elements of the proposal are going to be those that will be recognized by the American people as the basis for a fair conclusion to this budget debate.

Mark my words, the Speaker of the House will not be able to say, ''Do it my way or no way at all.'' He will not be able to continue this, it is hard to characterize because I have never seen a legislative situation like this in my life in which the leader of a legislative institution sets an immutable standard

against which no one can dissent and that there is no room for discussion. I have never experienced that before, because you cannot do legislation that way.

So what the President is saying is that the agreement that was reached, and I think this is very, very important, the agreement that was reached on the balanced budget over the 7-year period, and, by the way, Mr. Speaker, parenthetically, this is closer to 8 or 9 years because we are halfway through this spending, not halfway through but by the time we get this budget reconciliation finished we will be halfway through the year.

So I submit to you, as I bring my remarks to a close, Mr. Speaker, my point would be this, that the proposal that the President has put forward is, and he is acting in good faith on that proposal because that proposal said that we would try to deal with 7 years, and as I indicated, it will be 8 years or longer, in effect, because we are already months into the fiscal year without an agreement, in the 1996 fiscal year without an agreement, and using the Congressional Budget Office figures or whatever they turn out to be, these are all guesstimates, and as I have already indicated, the Congressional Budget Office, at least when you ask them the right question, does not give you an answer which is not true; they have indicated that we are going off budget to balance this so-called budget, going into the Social Security funds.

It says we have to protect Medicare. We have to protect Medicaid. We have to protect our children. We have to protect those who grow our food.

Now, minus protecting these elements, Mr. Speaker, our health, the health of our people, the health of our elderly, the welfare of our elderly, the health and welfare of our children, education, nutrition, and those who grow our food, agriculture, and unless we protect those things, we are not going to have this balanced budget despite anybody's best effort at it.

So I submit to you that the President is acting in good faith. The President has a proposal on the table. The President understands negotiations. He has been a Governor. He has worked with legislatures before. He understands the executive-legislative relationship and the Governor, that is to say, Governor Clinton, who is now President Clinton, will be prepared, along with members of the Democratic Party, to take our proposal to protect people while at the same time reducing the deficit and try to structure from that a compromise which will lead to eventually a balanced budget.

I have no objection to the phrase. I have an objection to the illusion that it is going to be implemented in 7 years.

So I want to conclude, Mr. Speaker, at this stage by saying once again that I will be on this floor up to and through the time of the conclusion of the budget negotiations so that at least there will be one voice on this floor and speaking out from this body, someone like my colleagues who are sworn to uphold and defend the Constitution of the United States, taking as that obligation to speak the truth on the budget, something which is as fundamental as anything that there is that we do. All money measures come from the House of Representatives. We are the people's House, elected by the people. It is our responsibility and obligation to say that we are working with an honest budget, with honest numbers, and that if we are not and there is a continuation of this proposition that somehow the budget is being balanced by mortgaging the Social Security trust fund, that I speak out against it, and others speak out against it.

So I believe, by the time these negotiations are concluded, President Clinton will have put forward a series of proposals based on the proposition that there is give and take in every legislative activity and that if the Speaker is refusing to negotiate by simply setting down an immutable standard from which he will not deviate, that the American people will make their judgment known on election day in 1996 as to the efficacy of the Speaker's policy.

I believe that if we deal with the situation honestly, we can bring the deficit down, that eventually the budget can be brought into balance, we can salvage the Social Security trust fund rather than ravage that trust fund, and see to it that Medicare and Medicaid, the welfare of our children and the people who grow our food are protected and that we have a budget that we can honestly put forward to the American people as being in their best interests.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROS-LEHTINEN (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness in the family.

Mr. TUCKER (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. BRYANT of Texas, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes each day, today and December 7 and 8.

Mr. FRELINGHUYSEN, for 5 minutes, December 7.

Mr. HORN, for 5 minutes, today.

Mr. MARTINI, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes each day, December 7 and 8.

Mr. LONGLEY, for 5 minutes each day, today and December 7, 8, 11, 12, and 13.

Mr. JONES, for 5 minutes, December 7.

Mr. FUNDERBURK, for 5 minutes, December 7.

Mr. FOLEY, for 5 minutes each day, today and December 7.

Mr. FOX of Pennsylvania, for 5 minutes, today.

mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DELAY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. MFUME.

Mr. MONTGOMERY.

Mr. MILLER of Califoria.

Mr. CLEMENT.

Mr. STUDDS.

Mr. HAMILTON.

Mr. HALL of Ohio.

Mr. REED.

Mr. EVANS.

Mr. UNDERWOOD.

Mr. TORRES.

Mr. KANJORSKI in two instances.

(The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous matter:)

Mrs. FOWLER.

Mrs. WALDHOLTZ.

Mr. SHAW.

Mr. STUMP.

Mr. KNOLLENBERG.

Mr. CLINGER.

Mr. MARTINI.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. CRANE in two instances.

Mr. PACKARD.

Mr. BECERRA.

Mr. SOLOMON.

Mr. GEJDENSON.

Mr. BISHOP.

Mr. GOODLATTE.

Mrs. MORELLA.

Mr. STUPAK.

Mr. CLINGER.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, December 7, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1781. A communication from the President of the United States, transmitting an updated report concerning the use of United States aircraft in support of United Nations and North Atlantic Treaty Organization [NATO] efforts in the former Yugoslavia (H. Doc. No. 104–143); to the Committee on International Relations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to proper calendar, as follows:

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 2009. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes (Rept. 104–384). Ordered to be printed.

Mr. QUILLEN: Committee on Rules. House Resolution 291. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–385). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 1787. A bill to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement (Rept. 104–386). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 325. A bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes; with an amendment (Rept. 104–387). Referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 1787. A bill to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement.

H.R. 325. A bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHRISTENSEN:

H.R. 2722. A bill to amend the Internal Revenue Code of 1986 to provide that the look-back method shall not apply to construction contracts required to use the percentage of completion method; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 2723. A bill to amend the Fair Labor Standards Act of 1938 to permit employers to provide for flexible and compressed schedules, to permit employers to give priority treatment in hiring decisions to former employees after periods of family care responsibility, to maintain the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. EVANS:

H.R. 2724. A bill to amend the National Labor Relations Act to require Federal contracts debarment for persons who violate labor relations provisions, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2725. A bill to amend the Occupational Safety and Health Act to require Federal contracts debarment for persons who violate the act's provisions, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 2726. A bill to make certain technical corrections in laws relating to native Americans, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. HANSEN, Mr. HEINEMAN, Mr. KINGSTON, Mr. SALMON, Mr. SOLOMON, Mr. SPENCE, and Mr. TAUZIN):

H.R. 2727. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 2728. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Resources.

By Mr. MATSUI (for himself, Mr. STARK, Mr. SERRANO, Ms. PELOSI, Mr. ACKERMAN, Mr. FROST, Mr. FATTAH, Mr. ROSE, Mrs. THURMAN, Mr. FILNER, Ms. BROWN of Florida, Mr. PICKETT, Mr. SCOTT, Mr. GENE GREEN of Texas, Mr. BARCIA of Michigan, Mr. JOHNSTON of Florida, and Mr. FAZIO of California):

H.R. 2729. A bill to amend the Social Security Act to provide for the waiver of the Medicare part B late enrollment penalty and the establishment of a special enrollment period for certain military retirees and their dependents; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MFUME:

H.R. 2730. A bill to eliminate segregationist language from the Second Morrill Act; to the Committee on Agriculture.

By Mr. SOLOMON (for himself, Mr. ROHRABACHER, AND MR. TRAFICANT):

H.R. 2731. A bill to require the United States to oppose and vote against any proposal to create any financing mechanism designed to prevent or resolve the insolvency of sovereign nations; to the Committee on Banking and Financial Services.

By Mr. STUMP (for himself, Mr. KOLBE, Mr. PASTOR, Mr. HAYWORTH, Mr. SALMON, and Mr. SHADEGG):

H.R. 2732. A bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON:

H.R. 2733. A bill to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995; to the Committee on Government Reform and Oversight.

By Mr. ZIMMER:

H.R. 2734. A bill to amend the Internal Revenue Code of 1986 to repeal the 50-percent limitation on business meals and entertainment; to the Committee on Ways and Means.

By Mr. WELDON of Pennsylvania (for himself, Mr. MCHALE, Mr. LAUGHLIN, Mr. WATTS of Oklahoma, and Mr. BLUTE):

H. Con. Res. 118. Concurrent resolution calling on the President to provide to the United States Armed Forces in the former Yugoslavia resources and other support necessary to carry out the mission of enforcing the peace agreement between the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Massachusetts:

H. Res. 292. Resolution providing for the consideration of the bill (H.R. 2409) to increase the public debt limit; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROSE introduced a bill (H.R. 2735) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shogun;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. CHRYSLER.
H.R. 104: Mr. TIAHRT.
H.R. 109: Mr. CHRYSLER and Mr. BREWSTER.
H.R. 303: Mr. CHRYSLER.
H.R. 468: Mr. CHRYSLER and Mr. COYNE.
H.R. 528: Mr. NEAL of Massachusetts, Mr. KLECZKA, and Mr. MORAN.
H.R. 580: Mr. BISHOP.
H.R. 721: Mr. JOHNSTON of Florida.
H.R. 773: Mr. TIAHRT.
H.R. 972: Mr. BASS.
H.R. 1023: Mr. DAVIS, Mr. GIBBONS, Mr. CLYBURN, Mr. WOLF, and Mr. PETERSON of Florida.
H.R. 1090: Mr. CHRYSLER and Mr. JOHNSTON of Florida.
H.R. 1226: Mr. STENHOLM, Ms. PRYCE, and Mr. GUNDERSON.
H.R. 1227: Mr. SAM JOHNSON and Mr. GRAHAM.
H.R. 1406: Mr. REED.
H.R. 1448: Mr. LARGENT and Mr. MCINTOSH.
H.R. 1458: Mr. SMITH of New Jersey.
H.R. 1514: Mr. FAWELL, Mr. MURTHA, Mr. CHRYSLER, Mr. HEINEMAN, Mrs. SEASTRAND, Mr. TOWNS, Ms. DELAURO, Mr. SCHIFF, Mr. FARR, Mr. EHLERS, Mr. BALLENGER, Mr. RAHALL, Mr. SAXTON, and Mr. HASTINGS of Florida.
H.R. 1627: Mr. LATOURETTE.
H.R. 1733: Mr. STENHOLM.
H.R. 1787: Mr. HOBSON, Mr. MANZULLO, Mr. BREWSTER, and Mr. LINDER.
H.R. 1972: Mrs. SEASTRAND, Ms. PRYCE, and Mr. BONO.
H.R. 2245: Mr. FILNER.
H.R. 2301: Mr. QUILLEN and Mr. WAMP.
H.R. 2333: Ms. WOOLSEY, Mr. EWING, Mr. QUILLEN, Mr. PICKETT, Mrs. MEEK of Florida, and Mr. CARDIN.
H.R. 2400: Mr. FILNER.
H.R. 2416: Mr. MCHALE.
H.R. 2447: Mr. MEEHAN.
H.R. 2480: Mr. FOX, Mr. HOKE, Mr. BEREUTER, Mr. BLUTE, Mr. LIPINSKI, Mr. KING, and Mr. EHLERS.
H.R. 2506: Mr. SKELTON.
H.R. 2547: Mr. QUILLEN, Mr. WAMP, Mr. GORDON, Mr. HILLEARY, Mr. TANNER, Mr. BRYANT of Tennessee, Mr. CLEMENT, and Mr. FORD.
H.R. 2572: Mr. THOMPSON.
H.R. 2578: Mr. FRAZER, Mr. FROST, Ms. LOFGREN, Mr. HYDE, Mr. MYERS of Indiana, Mrs. KENNELLY, Mr. CARDIN, Mr. BRYANT of Texas, Mr. MILLER of California, and Mrs. MORELLA.
H.R. 2598: Mr. GOSS.
H.R. 2627: Mr. BATEMAN, Mr. DINGELL, Mr. HASTERT, Mr. ISTOOK, Mr. MANTON, Mrs. MYRICK, Mr. OXLEY, Mr. STUDDS, and Mr. TAUZIN.
H.R. 2651: Mr. NEY.
H.R. 2654: Mr. THOMPSON and Ms. WATERS.
H.R. 2664: Mr. BENTSEN, Mr. WISE, Mr. THORNTON, and Mr. THOMPSON.
H. Con. Res. 10: Mr. FAZIO of California.
H. Res. 30: Mr. SAXTON, Mr. LINDER, and Mr. DUNCAN.
H. Res. 283: Mr. SAM JOHNSON.
H. Res. 286: Ms. RIVERS, Mr. FALEOMAVAEGA, and Mr. THOMPSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1963: Mr. KLECZKA.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, DECEMBER 6, 1995 No. 193

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, take charge of the control center of our brains. Think Your thoughts through us and send to our nervous systems the pure signals of Your peace, power, and patience. Give us minds responsive to Your guidance.

Take charge of our tongues so that we may speak truth with clarity, without rancor and anger. May our debates be an effort to reach agreement rather than simply to win an argument. Help us to think of each other as fellow Americans seeking Your best for our Nation, rather than enemy parties seeking to defeat each other. Make us channels of Your grace to others. May we respond to Your nudges to communicate affirmation and encouragement.

May we all march to the cadences of the same Drummer. Help us to catch the drumbeat of Your guidance. Here are our lives. Invade them with Your calming spirit, strengthen them with Your powerful presence, and imbue them with Your gift of faith to trust You to bring unity in our diversity. In our Lord's name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, in a few moments, I will make a motion to proceed to the consideration of calendar No. 195, Senate Joint Resolution 31, regarding a constitutional amendment prohibiting the desecration of the flag. By a previous order, at 5 o'clock today, we will resume consideration of H.R. 1833 regarding partial-birth abortions and the pending amendments thereto. I assume we will have rollcall votes throughout today's session in regard to either of these matters.

Just for the information of my colleagues, on the tentative schedule, we would like to finish the constitutional amendment on flags and complete action on the partial-birth abortions bill and consider any available appropriations conference reports between now and sometime on Friday.

Next week, the State Department reorganization bill will come to the floor, S. 1441, unless we reach some agreement prior to that time. We have been trying to reach an agreement here for several weeks, and we have had no success. I think the chairman of the Senate Foreign Relations Committee, Senator HELMS, has been very patient, and I am determined to bring the bill up again. If we cannot get the votes, we cannot get the votes. So we will start that up on Monday.

In addition, next week we will have available appropriations conference reports. We hope to have a welfare reform conference report. We also will take up H.R. 660, the fair housing exemption bill. There will be a short time agreement.

Next week, we will bring up the resolution on Bosnia, and I hope we might complete that under some time agreement. But that should come next week. We are still working on the language, as we have indicated in the last couple of days. That language has now been, I think, submitted to a number of our colleagues. We hope we can reach some agreement. We do not expect everybody to support the resolution. Some people have different views and different motives, but we hope that we can pass a resolution that indicates our strong support for United States forces, notwithstanding our strong disagreement with the President's Bosnian policy, which we have said from day one, the past 30 months, it has been bipartisan—we voted time and again to lift the arms embargo, to give the Bosnians a chance to defend themselves. Had we done that, we would not be talking about sending 20,000 American troops to Bosnia. The President has repeatedly rejected the bipartisan view of the House and the Senate, and he has indicated that troops will go notwithstanding any opposition from Congress.

I hope we can work out some resolution that would support the forces and let him proceed with his commitment, even though we may not share his view on either the agreement in Dayton or the Bosnia policy.

One thing we hope to achieve is an exit strategy. It is our view that unless we have some exit strategy, we are not certain how long American Forces and other forces might be there. We believe it is very important that the Bosnians be armed and trained so that in 6 months, 8 months, or a year, we will be able to leave that part of the world and come back and bring our forces back to America, and the Bosnians will be in a position to defend themselves. It sort of all gets back to what we have been talking about in the last couple of years. We should have lifted the arms embargo in the first place. They would be in a position today to defend themselves, and we may not be asking Americans to make these sacrifices. That will come up sometime next week.

UNANIMOUS-CONSENT REQUEST—SENATE JOINT RESOLUTION 31

Mr. DOLE. I ask unanimous consent that the Senate turn to the consideration of calendar 195, Senate Joint Resolution 31, proposing a constitutional amendment regarding the desecration of the flag of the United States.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there objection?

Mr. BINGAMAN. Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I move to proceed to the consideration of Senate Joint Resolution 31.

The PRESIDING OFFICER. Is there debate on the motion?

Mr. DOLE. Mr. President, I know there will be debate on the motion. I do not know how long the Senator from New Mexico wishes to debate. But I hope that we can go to the bill itself in the next couple of hours. This means we will have to be here longer this evening. We would like to complete action. We are going back to partial-birth abortion bill at 5 o'clock and will try to finish that tonight.

Hopefully, if there is some time or any requests for time on the amendments, we can continue that debate tonight and finish this bill by noon tomorrow.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I did object to proceeding with the debate on the flag amendment because I believe that we have neglected some other very important constitutional duties. Specifically, we have neglected to provide our advice and consent of ratification of START II and also on confirming the nomination of ambassadors to nations, which include over a third of the world's population. That has now been delayed many months.

I have been told this morning that a deal which would allow for the Foreign Relations Committee to meet tomorrow and report the treaty and these nominations, which will allow the Senate to approve them next week and deal with the State Department authorization bill, as well, may be at hand. I would be delighted if that proves to be true, and I would gladly yield the floor and allow the Senate to proceed with debate on the flag amendment as soon as we can get some kind of unanimous-consent agreement to that effect.

But, for the moment, I think that I have no choice but to talk for a period here about the constitutional obligations we have to provide advice and consent on treaties and with regard to the appointment of ambassadors.

Mr. President, before we amend the Constitution, I hope we will not amend the first amendment, as proposed in the flag amendment, for the first time in the history of this Republic. I believe we should not go on to consider that before we get about the business of carrying out our current responsibilities under the Constitution.

Article II, section 2 of the Constitution deals with the powers of the President. The second paragraph says:

> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States . . .

Mr. President, I have a couple of charts which I would like to refer to here just to make the points that need to be made. This first chart deals with the chronology of events related to the START II treaty. This treaty was signed by President Bush on January 3, 1993. It was submitted to the Senate by President Bush on January 15, 1993. That was almost 3 years ago.

Until last December when the issues were resolved that allowed the START I treaty to enter into course, perhaps it was appropriate not to proceed with the ratification of START II. Once that treaty was overcome, then everyone expected that the START II treaty would be dealt with by this body early this year—early in 1995.

The last hearing of the Foreign Affairs Committee on the treaty took place on March 29 of this year.

Senator LUGAR, at a conference the next day on March 30 said,

> I chaired the final Foreign Relations subcommittee hearing in the Senate yesterday on the START II treaty. The committee will seek to mark up the treaty after the April recess. We will look to potential floor action during the middle of the month of May. It is a good treaty, but it is one thing to have reached agreements and understandings, another to have fully implemented.

Mr. President, next week we will be in mid-December, fully 7 months behind the schedule that was outlined by the senior Senator from Indiana, whom I greatly respect for his leadership on our policy toward Russia. I wish we had held to the original timetable. Obviously, we have not.

I fear the delay has only complicated the prospects for treaty ratification in the Russia Duma. We have provided an obvious excuse for inaction for 7 months now. We should not make that excuse, extend that excuse, for 8, 9, or 10 months.

As Senator LUGAR went on to point out in his March 30 speech,

> To reach the START II limits by the year 2000 or 2003 will require enormous effort and cost, particularly on the Russian side. This will be difficult in the best of times but it is particularly challenging given the political and economic revolution engulfing Russia today.

The genius of the Nunn-Lugar cooperative reduction effort has been to face the facts squarely and try to help where we can in the Russian's effort to dismantle their nuclear stockpile. Months of inaction on our part cannot have improved the prospects for ratification in the Duma.

In the elections in Russia in less than 2 weeks we are likely to see a more conservative Duma emerge, where one Start II ratification will be more difficult as a challenge for President Yeltsin.

Mr. President, I believe our delay in carrying out our constitutional duties on START II has consequences and they are potentially very bad consequences for our security and for our relations with Russia.

Similarly, I believe the delay in carrying out our constitutional duties on ambassadorial nominations has consequences.

I have a second chart here I want to go through. This is a list of the ambassadorial nominations that have been delayed. This is from the time that they were submitted to the Foreign Affairs Committee. We have the names of the ambassadors whose papers are entirely in order and who could be confirmed rapidly if the Foreign Affairs Committee were to hold a business meeting. There are 18 names on the list. We can go into them in some detail later on in the morning or later in the day.

Together, we have also listed, of course, the countries that they would be ambassadors to and the date that the nomination was sent here to the Senate.

Most of these people, 14 of them to be precise, are Foreign Service officers. Four of them, Jim Sasser, Sandra Kristoff, James Joseph, and John Gevirtz are noncareer political appointments. Many of these nominations have been ready to move since July.

Mr. President, the lives of these people and their families have been disrupted by our inaction. Our ability to carry on our diplomatic efforts with these nations and in these parts of the world have been disrupted, as well.

The signal that we send to the rest of the world when we fail to have ambassadors in key capitals is not a good signal. Look at the list of nations that we have here, Mr. President: China, Indonesia, Pakistan, Thailand, Cambodia, Malaysia, Sri Lanka, our Ambassador to the Asia Pacific Economic Cooperation Organization—APEC, which met recently, and we were not represented by an ambassador at that meeting. The Vice President attended in lieu of our President because of the difficulties here in getting agreement on a budget.

What sort of signal are we sending to Asia when we will not carry out our constitutional duties here in the Senate in a timely fashion? These nations include over a third of the world's population and some of the world's fastest growing economies. We have important and very critical interests in these nations, yet we cannot get around to confirming our ambassadors to them.

Many of the other nations listed are in Africa: South Africa, Cameroon, Rwanda, et cetera. Again, what sort of a signal are we sending? In the case of South Africa, again, the Vice President is there on a trip this week.

I am sure that our neglect of our responsibilities in the Senate is much

bigger news in those nations than it is here, but what we are doing or failing to do in my view is wrong and my point this morning is that we need to get agreement in the Senate to take action on these nominations and to take action on START II before we proceed with other less pressing business.

Mr. President, the proposal that the majority leader would like to move to today is the amendment to the Constitution dealing with flag burning. Whether a particular Senator opposes that amendment or favors it, I think all of us would have to agree that it is not urgent for the Senate to act on that proposal.

We have survived as a nation now for about 206 years without that amendment being adopted. I am a fairly regular reader of the newspaper. I read the newspaper this morning. I could find nothing in there indicating that people are burning flags around this country or around the world, in fact. Of course, the proposal is primarily aimed at those burning flags in this country.

The point is very simply, Mr. President, whether you favor or oppose the amendment, it is not urgent that we deal with it. We do not need to put aside other pressing important business in order to deal with the flag amendment today and tomorrow. I think it is much more important that we do the business of the Senate, and the business of the Senate very simply as set out in the Constitution which we are now talking about amending, the business of the Senate is to approve nominations—or disapprove.

I am not saying here I expect every Senator to come to the floor and vote for each of these Presidential nominees to be ambassador. It is possible that some of our colleagues would like to vote against them. That is fine. I am not insisting on a particular outcome.

I am saying that the Senate should have the chance to vote on these ambassadorial nominations and on the START II treaty before we conclude our business this year.

I understand that Senator HATCH is on the floor and he would like to speak for a period on the flag amendment. I certainly am willing to yield to him to do that since we will still be in a period debating whether or not to proceed to consideration of the bill.

I yield the floor.

Mr. HATCH. Mr. President, I thank my colleague. It was very gracious of him to do that, because I am concerned whether we are going to get to this amendment.

Let me, just for a moment, suggest the absence a quorum with the understanding I will be recognized as soon as we come out of the quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I thank my colleague for being willing to yield me this time, because we were supposed to start on the flag amendment at 10 this morning. I do deeply regret that we are now on a filibuster against a constitutional amendment to prevent the desecration of the American flag. I think the American people should know that this is a filibuster.

We have had a filibuster on virtually every bill this year. At the height of Republican irritation at Democratic control of the Senate in the past, I cannot remember any year on which there have been filibusters on virtually everything of substance in any given year. Selected filibusters, yes—and I am the first to say that should be done. I am the first to uphold the filibuster rule. But not on everything.

To prevent us from even considering, or at least trying to prevent us from considering an amendment to protect the flag, which most Americans, at least 80 percent, favor, it seems to me is something I hope my colleagues on the other side will think through and change their ways, because this is not right. But I do appreciate my colleague allowing me this time to make a few comments about how important this amendment is.

It comes down to this. Will the Senate of the United States confuse liberty with license? Or will the Senate of the United States allow the people of the United States to have the right to protect their beloved national symbol, the American flag?

The Supreme Court, in 1989, in the first of two mistaken 5 to 4 decisions, stripped the American people of that right. This is a right the American people had for over 200 years. This is a right they had exercised in 48 States and in Congress. Seventy-three percent of my fellow Utahns favor a constitutional amendment to protect the flag.

Forty-nine State legislatures, including the Utah Legislature, have called upon Congress to pass a flag protection amendment. Here are 49 petitions—here are the voices of people reflected in their State legislatures; 49 petitions for this amendment. Three-hundred and twelve members of the other body have already voted for this constitutional amendment. This includes nearly half of the members of the other side of the aisle, including their leader, DICK GEPHARDT—a wonderful display of bipartisanship over there, one of the few we have had in this whole last 2 years. So, it does come down to the Senate, no doubt about it.

Many of the Nation's law professors and editorial boards oppose this amendment. An intemperate American Bar Association and the American Civil Liberties Union oppose the amendment. Regrettably, President Clinton opposes this amendment, and I am sure that costs us a few votes. They may be critical votes on this particular amendment. If this goes down, it will be primarily, perhaps, because the President is opposed to it. But the American people favor this amendment.

We live in a time when standards have eroded. Our sensibilities are increasingly bombarded by coarse and graphic speech and by angry and vulgar discourse. We and our children and grandchildren can routinely watch television shows that contain material we never saw or heard on movie screens not so many years ago, let alone on TV. I noticed our colleagues, Senators LIEBERMAN and NUNN, have expressed concerns about the erosion of standards in some aspects of daytime television. I need not dwell on what we and our children can watch at the movies these days. I need not dwell on the lyrics our children are listening to throughout our country, or that they can listen to.

Drugs, crime, and pornography debase our society to an extent that no one would have predicted just two generations ago. The breakdown in the family, the divisions among our citizens, threaten our progress as one people bound together by common purposes and values.

Civility and mutual respect—preconditions for the robust expression of diverse views in society—are in decline.

Absolutes are ridiculed. Values are deemed relative. Nothing is sacred. There are no limits. Anything goes.

Individual rights are cherished and constantly expanded, but responsibilities are shirked and scorned.

We seek to instill in our children a pride in our country—a pride that we hope will serve as a basis for good citizenship and for devotion to improving our country and adhering to its best interests as they can honestly see those interests; a pride in country that takes them beyond the question, ''What's in it for me?'' We seek to instill a pride in country that may one day be called upon as a basis for painful sacrifice in the country's interests, maybe even the ultimate sacrifice, as it was in the case of my brother, in the Second World War.

We hope our children will feel connected to the diverse people who are their fellow citizens—the people they will grow up to work with, cross paths with in daily life, and live among.

We ask our school children to pledge allegiance to the flag. But, the Supreme Court now dictates that we must tell them that the same flag is unworthy of legal protection when it is treated in the most vile, disrespectful, or contemptuous manner.

At the same time that we seek to foster pride in each rising generation, our country grows more and more diverse. Many of our people revel in their particular cultures and diverse national origins, and properly so. Others are alienated from their fellow citizens and from government altogether.

We have no monarchy, no state religion, no elite class—hereditary or otherwise—representing the Nation and its unity. We have the flag.

The American flag is the one symbol that unites a very diverse people in a way nothing else can, in peace or war. Despite our differences of party, politics, philosophy, religion, ethnic background, economic status, social status, or geographic region, the American flag forms a unique, common bond among us. Failure to protect the flag inevitably loosens this bond, no matter how much some may claim to the contrary. In my opinion, the defenders of this newly discovered, so-called right to desecrate the American flag do confuse liberty with license.

The issue really does boil down to this: isn't it ridiculous that the American people are unable to protect their flag, if they wish to do so? This one, unique symbol of our country? It might come as a shock to many, but the law does not have to be totally devoid of common sense. Of course, the amendment and implementing statutes must be carefully crafted and the lawyers consulted on this. But the underlying issue is not nearly as complicated as the legal mumbo—jumbo of the lawyers and elitists make it out to be.

Perhaps Paul Greenberg, editorial page editor of the Arkansas Democrat Gazette, summarized it best in a July 6, 1995 column:

''But didn't our intelligentsia explain to us yokels again and again that burning the flag of the United States isn't an action, but speech, and therefore a constitutionally protected right? That's what the Supreme Court decided, too, if only in one of its confused and confusing 5-to-4 splits. But the people don't seem to have caught on. They still insist that burning the flag is burning the flag, not making a speech. Stubborn lot, the people. Powerful thing, public opinion . . .

''It isn't the idea of desecrating the flag that the American people propose to ban. Any street-corner orator who takes a notion to should be able to stand on a soapbox and badmouth the American flag all day long—and apple pie and motherhood, too, if that's the way the speaker feels. It's a free country.

''It's actually burning Old Glory, it's defacing the Stars and Stripes, it's the physical desecration of the flag of the United States that oughta be against the law. And the people of the United States just can't seem to be talked out of that notion—or orated out of it, or lectured out of it, or condescended and patronized out of it.

''Maybe it's because the people can't shut their eyes to homely truths as easily as our Advanced Thinkers. How many legs does a dog have, Mr. Lincoln once asked, if you call its tail a leg? And he answered: still four. Calling a tail a leg doesn't make it one. Not even a symbolic leg. The people have this stubborn notion that calling something a constitutional right doesn't make it one, despite the best our theorists and pettifoggers can do.

''The people keep being told that their flag is just a symbol.

''Just a symbol.

''We live by symbols, said a Justice of the U.S. Supreme Court (Felix Frankfurter) . . . And if a nation lives by its symbols, it also dies with them.

''To turn aside when the American flag is defaced, with all that the flag means—yes, all that it symbolizes—is to ask too much of Americans. There are symbols and there are Symbols. There are some so rooted in history and custom, and in the heroic imagination of a nation, that they transcend the merely symbolic; they become presences. . . .

I think that is a pretty profound editorial.

The amendment before us does not itself protect the flag. It empowers Congress and the States to do so. The amendment reads: ''The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.''

That is a very simple statement, as constitutional amendments should be stated.

Now I wish we did not have to amend the Constitution to achieve our purpose. It should not be necessary. I believe that the Constitution permits Congress and the States to enact flag protection laws. But as our colleague Senator FEINSTEIN and others have well noted, the Supreme Court has given us no choice. Twice it has struck down statutes protecting the flag—in Texas versus Johnson in 1989, a Texas statute; and in U.S. versus Eichman in 1990, a Federal statute that we enacted in response to Johnson. This amendment would overturn both decisions.

I remember when we debated that on the floor. I said the court would strike that statute down which, of course, it has.

Now let me be clear what this debate is not about. This is not about who loves the flag more. President Clinton and other present opponents of legal protection of the flag, and opponents of this particular amendment, love the flag no less than supporters of the amendment. Patriots can disagree about this amendment.

This is also not about who believes in the first amendment more. Supporters of this amendment, no less than its opponents, believe in protecting the right of free speech. In my view, there is no clash between protecting the American flag and preserving freedom of speech. And, during all the years that flag protection statutes were on the books, freedom of speech in this country actually expanded under the law.

The amendment does not prescribe what shall be orthodox in politics, nationalism, or any matter of opinion. This amendment does not compel anyone, by word or act, to salute, honor, or respect the flag.

So what, then, is this debate really about? This debate concerns our judgment about what values are truly at stake. It is about our sense of national community. It is about whether it is important enough to ensure that the one unique symbol of all of us, under which many have fought and died, may be protected if the people feel strongly enough to do so.

This debate, then, is about letting the American people, so many of whom do respect, revere, and honor our flag, decide whether this indisputably unique symbol of our country is worthy of legal protection from those who would physically desecrate it. Right now, the Supreme Court mistakenly has mistakenly stripped the people of their 200-year-old democratic right to make this decision.

The flag is the quickest and most intense way for those with an urgent cause to seek identification with their fellow citizens and American ideals and principles. Indeed, it is not uncommon for causes seeking popular support to rely on the flag as a silent but extremely powerful part of their appeal to fellow Americans. In a wonderful book, ''Star Spangled Banner, Our Nation and its Flag,'' by Margaret Sedeen, published by the National Geographic Society, one can see vivid reminders of this. On page 181, women suffragettes are shown in an open air car with placards proclaiming their cause and waving several American flags. Two pages later is another picture, and I will read its caption:

Holding the flag high as a banner for his cause, a marcher makes his way along the road from Selma to Montgomery, AL, in the spring of 1965, protesting continued efforts to deny most southern blacks their rights to register and vote. Within months of the march, Congress approved the Voting Rights Act of 1965.

Now, parenthetically, I should note that in between these two pages is a picture which will make the blood boil of every Member of this body. I will read that inscription:

On April 5, 1976, a white high school student, 1 of 200 antibusing demonstrators in Boston that day, used the flag as a lance to lunge at a black attorney who walked onto the scene.

This is a picture of the man. Mr. President, this is as vile a physical abuse of the flag as any flag burning you have ever seen. It is also a reminder to us that any amendment we adopt must be worded so as to permit legislative bodies to address the variety of disrespectful, physical mistreatments of the flag that can occur.

It is not possible to express fully all of the reasons the flag deserves such protection. As then Justice Rehnquist wrote in 1974: ''The significance of the flag, and the deep emotional feelings it arouses in a large part of our citizenry, cannot be fully expressed in the two dimensions of a lawyer's brief or of a judicial opinion.'' [*Smith* v. *Goguen,* 415 U.S. 566 at 602 (1974)(Rehnquist, J., dissenting).] The notion that our law denies the American people the ability to protect their flag from physical desecration defies common sense.

This amendment empowers Congress and the States to protect only the American flag—and only from acts of physical desecration.

THIS CAUSE ORIGINATES WITH THE PEOPLE

The current movement for this amendment originates with the American people. It is right and proper that their elected representatives respond affirmatively.

I respect those who have a different view. But I also think that supporters of this amendment, who are Democrats and Republicans alike, deserve the same presumption of good faith in our motives.

So let me note at the outset that this has always been a bipartisan effort. On June 28, as mentioned earlier, nearly half of the Democrats in the House, including their leader, RICHARD GEPHARDT, voted for the amendment.

In the Senate, the lead cosponsor is Senator HEFLIN. The Democratic whip, Senator FORD, is a cosponsor, as are Senators FEINSTEIN, BAUCUS, ROCKEFELLER, JOHNSTON, BREAUX, HOLLINGS, EXON, REID, and NUNN.

I am troubled, therefore, that some opponents of the amendment would accuse its congressional sponsors of trying to score political points by pursuing ratification of this amendment.

So why are we here today? A grassroots coalition, the Citizens Flag Alliance, led by the American Legion, has been working for some time in support of a constitutional amendment regarding flag desecration. The Citizens Flag Alliance consists of over 100 organizations, ranging from the Knights of Columbus; Grand Lodge, Fraternal Order of Police; and the National Grange to the Congressional Medal of Honor Society of the USA and the African-American Women's Clergy Association. These organizations represent millions of Americans. Over 200,000 individuals also belong to the Citizens Flag Alliance. The American Legion, and then the Citizens Flag Alliance as well, worked to obtain support for the amendment. Citizens organizations exist in every State. The Veterans of Foreign Wars also supports this amendment.

The Citizens Flag Alliance approached Senator HEFLIN and me last year, well before the November elections, and asked us to lead a bipartisan effort in the Senate. They told us they had reasonable hopes that President Clinton would support this amendment. Senator HEFLIN and I did not initiate this current effort. We would not be here now if the Citizens Flag Alliance had not initiated it. A similar bipartisan approach was made in the House of Representatives.

So why are we here today? We are here for the reasons expressed by Rose Lee, a Gold Star Wife and past president of the Gold Star Wives of America. Her husband died on active duty 23 years ago and she brought the flag that draped her husband's coffin to the June 6 hearing on this amendment. She testified, ''It's not fair and it's not right that flags like this flag, handed to me by an Honor Guard 23 years ago, can be legally burned by someone in this country * * * [It is] a dishonor to our husbands and an insult to their widows to allow this flag to be legally burned.'' Did she and the other Gold Star Wives who accompanied her to the hearing show up to play politics?

We are here for the reasons expressed by Joseph Pinon, assistant city manager of Miami Beach, FL, who fled Castro's Cuba, fought as a marine in Vietnam, and whose Marine unit refused to leave the flag behind at hill 695 when that unit had to withdraw under enemy pressure. Did he testify in order to play politics?

We are here for reasons which reside in the hearts and minds of the American people, reasons which are not easy to put into words. The flag itself represents no political party or ideology.

Make no mistake: the American people resurrected this amendment. They will keep it alive until it is ratified.

There is more wisdom, judgment, understanding, and common sense among the American people on this matter than on our Nation's law faculties, editorial boards, and in the Clinton administration. Let me cite some of that common sense. In the 1989 Judiciary Committee hearings, R. Jack Powell, executive director of the Paralyzed Veterans of America, said it as well as anyone:

''The members of Paralyzed Veterans of America, all of whom have incurred catastrophic spinal cord injury or dysfunction, have shared the ultimate experience of citizenship under the flag: serving in defense of our Nation. The flag, for us, embodies that service and that sacrifice as a symbol of all the freedoms we cherish, including the First Amendment right of free speech and expression. Curiously, the Supreme Court in rendering its decision [in Texas versus Johnson] could not clearly ascertain how to determine whether the flag was a ''symbol'' that was ''sufficiently special to warrant . . . unique status.'' In our opinion and from our experience, there is no question as to the unique status and singular position the flag holds as the symbol of freedom, our Constitution and our Nation. As such it must be defended and provided special protection under the law.

* * * * *

I am concerned that there is some impression, at least in the media and by some others that are around, that the idea of supporting the flag is some idea just of right-wing conservatives, and I have heard some Senators say, those veteran organizations, and that kind of thing.

In fact, the flag is the symbol of a constitution that allows Mr. Johnson to express his opinion. So, to destroy that symbol is again a step to destroy the idea that there is one nation on earth that allows their people to express their opinions, whether they happen to be socialist opinions or neo-Nazi opinions, or democratic opinions or republican opinions.

Now listen carefully to these further words from Mr. Powell:

Certainly, the idea of society is the banding together of individuals for the mutual protection of each individual. That includes, also, an idea that we have somehow lost in this country, and that is the reciprocal, willing giving up of unlimited individual freedom so that society can be cohesive and can work. It would seem that those who want most to talk about freedom ought to recognize the right of a society to say that there is a symbol, one symbol, which in standing for this great freedom for everyone of different opinions, different persuasions, different religions, and different backgrounds, society puts beyond the pale to trample with. [Testimony of R. Jack Powell, Sept. 13, 1989, at 432–437].

There is more wisdom and judgment in these few paragraphs than my colleagues will find in page after page of the Clinton administration's testimony, the arcane testimony of law professors opposed to the amendment, or the thoughtless and intemperate outbursts of the American Bar Association.

The July 24, 1995, Washington Post published a letter from Max G. Bernhardt, of Silver Spring, MD. He said:

I'm certainly a liberal, although I've always made up my own mind on things and have never felt an obligation to accept anyone else's definition of what was and what was not the proper liberal position on any given issue. I can't for the life of me figure out why the proposed amendment to the Constitution outlawing desecration of the United States flag should evoke the furious opposition that it has.

There seem to be three principal arguments against it: First, it isn't needed because this isn't what people are doing anymore; second, it will have a chilling effect on the exercise of free expression; third, it will start us down the proverbial slippery slope to various other infringements on, and restrictions of, free speech and expression.

If we don't need it, then it won't matter one way or another if it's enacted, and no one has to worry about it being there as a part of the Constitution. I see no reason why desecration of our flag needs to be tolerated in the name of free speech. I cannot see how outlawing such acts adversely affects free expression—other than flag desecration itself—in any manner, shape, or form. Given the nature of the process required to enact an amendment to the Constitution, I see no reason to fear that enactment of this amendment will lead to the enactment of other constitutional amendments that might be adverse to free expression or other rights.

Far from destruction of the Bill of Rights, as depicted by Herblock in the July 2 Post, the only thing this amendment does is to outlaw desecration of the flag, which only by the most expansive interpretation of the First Amendment could have been established as legally permissible in the first place. It in no way affects anything else and should be enacted forthwith.

This individual displayed more common sense and understanding on this matter than one will find in editorials, cartoons, and pundits' offerings in the Washington Post, and other illustrious journalistic pieces and publications.

RESPONSE TO CRITICISMS

Let me give a response to some of the criticisms. The committee report fully addresses the legal and other arguments against the amendment. And I urge my colleagues to review it. I am prepared to address some of them later in the debate if I had to. Let me just make a few comments now.

In my view, this amendment, granting Congress and the States power to prohibit physical desecration of the flag, does not amend the first amendment. I believe the flag protection amendment overturns two Supreme Court decisions which have misconstrued the first amendment.

The first amendment's guarantee of freedom of speech has never been deemed absolute. Libel is not protected under the first amendment. Obscenity is not protected under the first amendment. Fighting words which provoke violence or breaches of the peace are not protected under the first amendment. A person cannot blare out his or her political views at 2 o'clock in the morning in a residential neighborhood and claim first amendment protection.

The view that the first amendment does not disable Congress and the States from prohibiting physical desecration of the flag has been shared across a wide spectrum.

Chief Justice Earl Warren wrote, ''I believe that the states and the Federal government do have the power to protect the flag from acts of desecration and disgrace . . .'' [*Street* v. *New York*, 394 U.S. 576, 605 (dissenting)]. Justice Hugo Black—generally regarded as a first amendment absolutist—stated, ''It passes my belief that anything in the Federal Constitution bars a state from making the deliberate burning of the American flag an offense.'' [Id. at 610 (dissenting)]. Justice Abe Fortas wrote, ''[T]he States and the Federal government have the power to protect the flag from acts of desecration committed in public . . .'' [Id. at 615 (dissenting)]. According to Assistant Attorney General Dellinger, President Clinton agrees with Justice Black, but still opposes any amendment.

It is not the first amendment which protects physical desecration of the American flag. The Supreme Court misinterpreted the text of the first amendment, ignored 200 years of history, and superimposed its own evolving theories of the first amendment in 1989 in Texas versus Johnson. That just 20 years earlier civil libertarians such as Earl Warren and Abe Fortas, and a first amendment absolutist such as Hugo Black, took it as elementary that flag desecration laws are constitutional is a measure of how far the Supreme Court has moved in this area.

We have had flag desecration statutes for many decades—yet the avenues available for dissent have gotten larger, not smaller, over time. And I would agree with that. Indeed, I would point out that during the time these laws were first enacted in the 19th century, freedom of speech in general has been enlarged: the first amendment has been made applicable to the states via the 14th Amendment's due process clause [*Fiske* v. *Kansas*, 274 U.S. 380 (1927)]; commercial speech has been given protection [*Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council*, 425 U.S. 748 (1976)]; the public forum doctrine appeared in 1939 [*Hague* v. *CIO*, 370 U.S. 496 (1939)]; indeed, private shopping centers must make their property available for dissemination of literature [*Pruneyard Shopping Center* v. *Robins*, 447 U.S. 74 (1980)]; the overbreadth doctrine developed in 1940 [*Thornhill* v. *Alabama*, 310 U.S. 88 (1940)]; and the void for vagueness doctrine developed in 1972 [*Papachristou* v. *Jacksonville*, 405 U.S. 156 (1972)].

Yet, to listen to some of the critics of this amendment, one would believe ratification of the flag protection amendment would herald a new Dark Age.

NEED FOR THE AMENDMENT

Let me also address the underlying need for the amendment. The Clinton administration testified that, in light of what it refers to as ''only a few isolated instances [of flag burning], the flag is amply protected by its unique stature as an embodiment of national unity and ideals.'' With all due respect, I find that comment clearly wrong.

First, aside from the number of flag desecrations, our very refusal to take action to protect the American flag clearly devalues it. Our acquiescence in the Supreme Court's decisions reduces the flag's symbolic value. As a practical matter, the effect, however unintended, of our acquiescence equates the flag with a rag, at least as a matter of law, no matter what we feel in our hearts. Anyone in this country can buy a rag and the American flag and burn them both to dramatize a viewpoint. The law currently treats the two acts as the same. How one can say that this legal state of affairs does not devalue the flag is beyond me.

This concern is shared by others. Justice John Paul Stevens said in his Johnson dissent:

> . . . in my considered judgment, sanctioning the public desecration of the flag will tarnish its value . . . That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available alternative mode of expression, including uttering words critical of the flag . . . be employed. [491 U.S. at 437].

Pro. Richard Parker of Harvard Law School testified:

> ''If it is permissible not just to heap verbal contempt on the flag, but to burn it, rip it and smear it with excrement—if such behavior is not only permitted in practice, but protected in law by the Supreme Court—then the flag is already decaying as the symbol of our aspiration to the unity underlying our freedom. The flag we fly in response is no longer the same thing. We are told . . . that someone can desecrate ''a'' flag but not ''the'' flag. To that, I simply say: Untrue. This is precisely the way that general symbols like general values are trashed, particular step by particular step. This is the way, imperceptibly, that commitments and ideals are lost.''

I think Professor Parker's comments are pretty apropos here.

Indeed, disrespectful physical treatment of the flag need not involve protest. Just a short time ago, I saw a newsclip about a motorist at a gas station using an American flag to wipe the car's dipstick. A veteran called it to the police's attention but, of course, the individual cannot be prosecuted today. He can keep using it as he has, or perhaps he will next use it to wash his car.

Moreover, as a simple matter of law and reality, the flag is not protected from those who would burn, deface, trample, defile, or otherwise physically desecrate it.

Further, whether the 45-plus flags which were publicly reported desecrated between 1990 and 1994, and those which have occurred this year, represent too small a problem does not turn on the sheer number of these desecrations alone. When a flag desecration is reported in local print, radio, and television media, potentially millions, and if reported in the national media, tens upon tens of millions of people, see or read or learn of these desecrations. How do my colleagues think, Rose Lee, for example, feels when she sees a flag desecration in California reported in the media? The impact is far greater than the number of flag desecrations.

One might also ask, even if espionage occurs rarely, should we have no statutes outlawing it? Arrests for treason are rare—but the crime is set out right there in the Constitution and in our statutes.

NO SLIPPERY SLOPE

Mr. President, there is absolutely no slippery slope here. The amendment is limited to authorizing States and the Federal Government to prohibit physical desecration of only the American flag. It does not suppress viewpoints, nor does it regulate any means of expression aside from physical desecration of the flag. It serves as no precedent for any other legislation or constitutional amendment on any other subject or mode of conduct, precisely because the flag is unique.

Some critics of the amendment ask, is our flag so fragile as to require legal protection? I have tried to explain why our national symbol should be legally protected. The better question is this: is our ability to express views so fragile in this country as to be unable to withstand the withdrawal of the flag from physical desecration? Of course not.

Ideas have many avenues of expression, including the use of marches, rallies, picketing, leaflets, placards, bullhorns, and so very much more.

Even one of the opponents of the amendment testifying at the subcommittee hearing, Bruce Fein, the conservative analyst, described the amendment as ''a submicroscopic encroachment on free expression . . .'' in response to written questions. A submicroscopic approach.

Pro. Cass M. Sunstein of the University of Chicago Law School, a vigorous opponent of the amendment, conceded:

> There are reasons to think that as the basic symbol of nationhood the flag is sui generis and legitimately stands alone. Moreover, constitutional protection of the flag would prohibit only one, relatively unusual form of protest. Multiple other forms would remain available.

The administration's witness agreed with these remarks, in response to my written questions. Indeed, I think Professor Sunstein understated his first point—there is no doubt the flag stands alone as a national symbol.

Even if, contrary to my view, one agreed that the Johnson and Eichman cases were correctly decided under prior precedents, one could still support this amendment—if one believes protection of the flag from physical desecration is an important enough value.

CONTENT-NEUTRAL AMENDMENT IS WRONG

A few critics of the pending amendment believe that a constitutional amendment either must make illegal

all physical impairments of the integrity of the flag, such as by burning or mutilating, or that no physical desecration of the flag should be illegal. This is the approach of my friend from Delaware, who will offer such an amendment. This all-or-nothing approach to our fundamental governing document flies in the face of nearly a century of legislative protection of the flag. It is also wholly impractical.

In order to be truly content neutral, such an amendment must have no exceptions, even for the respectful disposal of a worn or soiled flag. Once such an exception is allowed, the veneer of content neutrality is stripped away. The Supreme Court in Johnson acknowledged this. A content-neutral amendment would forbid an American combat veteran from taking an American flag flown in battle and having printed on it the name of his unit and location of specific battles, in honor of his unit, the service his fellow soldiers, and the memory of the lost.

Then Assistant Attorney General for Legal Counsel William P. Barr testified before the Senate Judiciary Committee August 1, 1989 and brought a certain American flag with him. He said:

> Now let me give you an example of . . . the kind of result that we get under the [content-neutral approach]. This is the actual flag carried in San Juan Hill. It was carried by the lead unit, the 13th Regiment U.S. Infantry, and they proudly emblazon their name right across the flag . . . 1,078 Americans died following this flag up San Juan Hill . . . Under [a content-neutral approach], you can't have regiments put their name on the flag, that's defacement . . . [Testimony, Assistant Attorney General William P. Barr, August 1, 1989, at 68].

We do wish to empower Congress and the States to prohibit the contemptuous or disrespectful physical treatment of the flag. We do not wish to compel Congress and the States to penalize respectful treatment of the flag. Such a so-called content-neutral amendment would place a straitjacket on the American people and deny them the right to protect the flag in the manner they have traditionally protected it.

A constitutional amendment which, in our fundamental law, would treat the placing of the name of a military unit on a flag as the equivalent of placing the words ''Down with the fascist Federal Government'' or racist remarks on the flag is not what the popular movement for protecting the flag is all about. I respectfully submit that such an approach ignores distinctions well understood by tens of millions of Americans.

Moreover, never in the 204 years of the first amendment has the free speech clause been construed as totally content neutral. For example, speech criticizing official conduct of a public official may be legally penalized if it is known to be false, or made in utter, reckless disregard for the truth, and damages the official's reputation. And this is actual speech, not action or conduct as in the case of desecrating the flag. Moreover, one can express views at city hall, but if one does so obscenely, one can be arrested. This is not content neutrality. Indeed, I think it is fair to liken flag desecration to obscenity.

Of course, any law enacted pursuant to the pending amendment cannot bar physical desecration of the flag by one political party and permit it by the other, or ban its physical desecration by those in opposition to a government policy, but not by those who support the policy. As with other parts of the Constitution, the amendment will be interpreted in harmony with other provisions of the Constitution. Thus, a State cannot favor a flag desecrator who burns the flag protesting the Government's failure to topple Saddam Hussein over the flag desecrator complaining about American participation in the gulf war in the first place. The first amendment's prohibition on viewpoint discrimination will apply to statutes enacted under the pending amendment.

RIDICULOUS, OVERBLOWN ARGUMENTS

One more thing about this debate, Mr. President. I have rarely heard more overblown, ridiculous arguments made against a measure as I have heard regarding this amendment, which simply restores a power to the people they had held for 200 years, and exercised for about 100 years.

There are colleagues of mine on the Judiciary Committee who actually make the absurd suggestion that this amendment blurs the distinction between a free country and a tyranny. Tell that to the Gold Star Wives. Tell that to the Veterans of Foreign Wars. Forget about the fact that during the nearly 100 years that 48 States and Congress were adopting flag desecration statutes, we seemed, somehow, to avoid the descent into tyranny. Ironically, freedom of speech actually expanded in this country as I said. These colleagues actually make the ridiculous, nonsensical, thinly veiled suggestions that legal protection of the American flag is somehow similar to the Chinese Communist dictatorship's execution of dissidents in 1989, and that legal protection of the flag somehow makes us more like a Communist dictatorship. If you do not believe me, Mr. President, read their views in the committee report on page 74 and at footnote 11. Listening to some of these critics, one would think enactment of the pending amendment would curtail the ability of dissenters to be heard. One shudders to think about their lackadaisical attitude toward repression in America during all the years before the Supreme Court, in 1989, saved America from its decline and fall into totalitarianism. After all, notwithstanding the solemn fears they express, I am unaware that those colleagues in the Senate lifted one finger to plug this gaping hole in our freedom by trying to repeal the federal flag protection statute before 1989.

Some of my colleagues actually raise the utterly groundless, inherently unbelievable claim that the pending amendment could authorize a statute prohibiting the flying of the flag over a brothel. You do not believe me, Mr. President? You'll find that little gem on page 77 of the committee report. The things some of our colleagues worry about.

It is a good thing my colleagues expressing these views were not Members of the first Congress. Mr. President, given their concern about flags over brothels, I can only imagine the angst my colleagues would have expressed about the scope of the proposed fourth amendment's protections against unreasonable searches and seizures. I wonder how the phrase due process of law in the fifth amendment would have fared. The point is this, as we explain in the committee report: there is no cause to fear the terms of this amendment.

I urge my colleagues not to apply a higher standard to an amendment protecting the flag than the Framers themselves applied to the Bill of Rights. The words of this amendment are at least as precise, if not more so, than many terms in the Bill of Rights. And keep in mind what my colleague Senator HEFLIN has repeatedly said: This amendment does not prohibit any conduct. There will be implementing legislation. And such legislation will have to be sufficiently specific to withstand due process scrutiny. This amendment just says that the States and the Congress can determine that people cannot desecrate our flag.

Let me just end this by saying that some have wondered why we are putting forth this enormous effort to enact this amendment to protect the flag, a so-called mere symbol. The answer is simple. The nearly mystical connection between the American people and Old Glory really is that strong. That bond between our constituents and the flag is the bond on which our entire effort rests, the bond from which it draws its strength. That bond will keep this movement alive until a flag protection amendment is ratified, no mistake about it. We are fighting for the very values that the vast majority of the American people fear we are losing in this country.

This is an important amendment, as I think all constitutional amendments must and should be. It is an amendment that has been simple on its face. This is an amendment that we believe at least 66 Senators ought to vote for. In fact, I believe all 99 of us currently sitting in this body ought to vote for it.

Having said that, I am somewhat surprised that, needing only 34 votes to defeat this amendment, there would be those on the other side who would filibuster even the bringing up of this amendment on the floor. In fact, I would be surprised if they would filibuster the amendment itself once we defeat them on the motion to proceed. I cannot imagine why anybody, needing only 34 votes to defeat this, would

filibuster where you need 41 votes in order to stop the debate.

I really hope, with all my heart, that my friends on the other side will realize how important this is to the people of this country and will withdraw their filibuster and their efforts to stop the motion to proceed and will not filibuster the amendment itself, and will allow it to go to a constitutional vote, where all they have to get are 34 votes to defeat it. We have to get 66 votes on a constitutional amendment, and that is as it should be. Constitutional amendments should be very difficult to enact.

Our basic document is not a piece of legislation that can be amended at will. It requires a very long, arduous, difficult process. I am hopeful that we will have 66 votes on this amendment, or more; but if we do not, everybody here is going to be put on notice right here and now that this will be brought back until we do.

Mr. President, I thank my colleague for allowing me to make this lengthy but important statement on this issue.

I yield the floor back to him.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I understand that the Senator from Alabama, who is a cosponsor of the flag burning amendment, is somewhere nearby and wants to give a statement at some point here. Obviously, I will be glad to defer to him when he wants to make that statement.

Let me just state again what I said at the beginning of this discussion. That is, my objection to proceeding with the amendment is not because I think the Senate should not be able to vote on this issue. I do not support the amendment; I did not support it when it came up before. But I do not object to us going ahead and getting a vote. But I do believe that before we move to amend the Constitution, as is proposed here, we need to tend to the business of carrying out our duties as they are set out in the Constitution. Those duties are pretty clear, and we in the Senate have some very specific duties to carry out. Article II, section 2 of the Constitution says:

> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur . . .

So we have a responsibility to pass on treaties.

> . . . and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States . . .

So my position is, Mr. President, we ought to go about doing that which the Constitution requires of us before we proceed to amend the Constitution. Or we should at least get agreement as to a date when we are going to do that which the Constitution requires of us; that is, passing on the President's nomination for these ambassadorial posts.

I have this list here. It is a long list, which I referred to earlier. I think it is one that clearly deserves our attention. As I pointed out in my earlier statement, it represents the people in the countries that these ambassadors will serve in, which represent about a third of the world's population. Why should we in the Senate be able to, day after day, week after week, look the other way and say it is not our responsibility, it is not our problem? It is our responsibility under the Constitution, Mr. President; it is our problem, and we need to get about the business of dealing with it.

Mr. President, I think it is interesting that this is coming up in this context. We are constantly hearing about the respect that we all have for the Constitution. I do not doubt that respect. I think, clearly, anyone who devotes his life to public service is demonstrating a real commitment to this country.

We all swear to an oath of office when we are sworn in here in the Senate, and it is an interesting oath, which I would like to read for people, just to refresh people's memory. The question which the Presiding Officer asks each of us is:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic, that you will bear true faith and allegiance to the same, that you take this obligation freely without any mental reservation or purpose of evasion . . .

Here is the important part, I think, for purposes of this discussion, Mr. President.

> . . . and that you will well and faithfully discharge the duties of the office which you are about to enter, so help you God.

Mr. President, well and faithfully discharging the duties of the office of a U.S. Senator today includes voting on the Ambassadors that the President has nominated to serve in these countries. Well and faithfully discharging the duties of the office of a U.S. Senator today means voting on the START II treaty, which has been here languishing in the Senate now for many months. So that is the point that I am trying to make.

Since the Senator from Alabama is not here wishing to speak, let me go ahead and make a few other points about, first of all, the START II treaty. START II is the second Strategic Arms Reduction Treaty. It was signed by President Bush on January 3, 1993, shortly before he left office. It is a landmark agreement. It will reduce nuclear arsenals in both the United States and the former Soviet Union by close to two-thirds.

This is not a minor item, Mr. President. This is not some detail that we have not gotten around to dealing with. This will reduce the nuclear arsenals in both the United States and the former Soviet Union by close to two-thirds.

START II is a vital successor to the first START Treaty, which was negotiated by President Ronald Reagan. Not only does START II reduce nuclear stockpiles in both Russia and the United States to between 3,000 to 3,500 warheads each, it also eliminates multiple independent reentry vehicles, MIRV's. Policymakers and military officials in both parties agree that START II is vital to U.S. strategic interests.

Mr. President, I know we are in a very major discussion and debate, nationally, about whether the United States should be involved in the NATO activity in Bosnia. I think that is important. I think it is a very important military initiative, diplomatic initiative that this administration is involved in. But I would say that at least as important is following through and ratifying START II and then seeing that it is properly implemented.

When the history of this century is written, Mr. President, our ability to move from the cold war down to a period where there is less threat and to a situation where less nuclear threat is going to be a determining factor in whether or not we have carried out our stewardship properly, I think it is the height of folly for us to lose sight of that important need and constantly be focusing on other matters here that are not time sensitive.

As I said earlier in the discussion, whether you believe that we ought to have a flag burning amendment or whether you disagree about the flag burning amendment, everyone has to concede that this is not an urgent matter.

We have been a nation now for 206 years. We have never had a flag burning amendment to the Constitution. There is not an epidemic of flag burning going on in this country, Mr. President.

I have scoured the newspapers to try to find examples of people out there burning flags. In our history there have been some examples. Clearly, it is not something that is urgent and that needs dealing with this week here in the U.S. Senate.

These other matters in my opinion do have some urgency about them. I will get into that in more detail later in the discussion.

Let me give some quotations about the START II treaty from various leaders in this country, former leaders, present leaders. President George Bush made the statement, ''The START II treaty is clearly in the interests of the United States and represents a watershed in our efforts to stabilize the nuclear balance further reduce strategic offensive arms.''

Senator JESSE HELMS, chairman of the Senate Foreign Affairs Committee said, on February 3 of this year, ''I am persuaded that the 3,000 to 3,500 nuclear weapons allowed Russia and the United States in this START treaty does meet reasonable standards of safety.''

The Heritage Foundation has a briefing book they provide to new Members

of Congress. That briefing book for this 104th Congress had in it a statement that said, ''The START II treaty should serve U.S. interests and should be approved for ratification.'' That is the Heritage Foundation, one of the more conservative think tanks here in our Nation's Capital.

Former Chairman of the Joint Chiefs of Staff, Colin Powell, said, ''With a U.S. force structure of about 3,500 nuclear weapons we have the capability to deter any actor in the other capital no matter what he has at his disposal.'' That was in July 1992.

The present Chairman of the Joint Chiefs of Staff who is testifying at this very moment in the Armed Services Committee, as the Presiding Officer well knows, said on May 25 of this year, ''I strongly urge prompt Senate advice and consent on the ratification of START II.''

Senator RICHARD LUGAR on October of 1992 said, ''If new unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits.''

Senator JOHN MCCAIN, who serves with us here and with great distinction on the Armed Services Committee, said on January 2, 1993, ''With the conclusion of START II, the threat of nuclear war has been greatly reduced and our relationship with the former Soviet Union reestablished on a more secure basis.''

Now, obviously, Senator MCCAIN was assuming we would ratify that treaty. If we fail to do so I think he may want to rethink that statement.

The former Secretary of State, Lawrence Eagleburger, made the following statement on June 17 of 1993:

> No relationship is more important to the long-term security of the United States than our strategic relationship with Russia. Despite the new spirit of cooperation between us, Russia remains the only nation on Earth with the capability to devastate the United States. Any arms control agreement, even one as sweeping at START II, represents only one element of that relationship. While arms control is only one element of our relationship it remains an important one. START II, along with the initial START treaty remains overwhelmingly in our interest as we move into the post-cold war era. It offers enhanced stability, fosters transparency and openness and sounds the death knell for the first-strike strategies of a bygone era.

That is a quotation by former Secretary of State Lawrence Eagleburger.

Finally, let me give a quotation by Lynton Brooks who was the chief negotiator of START II. He said on May 18, 1993—and I point out that was shortly after the first hearing on START II by the Senate Foreign Affairs Committee on this chronology. This is 1993 I am talking about, 2½ years ago, Mr. President. Lynton Brooks, our chief negotiator of START II said:

> START II completes the work begun by START I. Building on the 9-year effort that led to the first START treaty, START II drastically reduced strategic defensive arms and restructures the remaining forces in a stabilizing manner appropriate for the post-cold war world. Along with its predecessor companion, START II represents a codification of the new nonconfrontational relationship between the United States and the Russian federation. In short, START II is another major step toward a 21st century characterized by reduced threat and increased stability.

That is an indication, Mr. President, that there is very strong bipartisan support for the ratification of this treaty. If this was an issue that there was great division on I would probably not be here today urging that we get a time certain to vote on START II.

Leaders on both sides of the aisle have indicated the importance of moving ahead. I can see no justification for us continuing to deal with matters that are less time sensitive such as the proposed constitutional amendment while this matter and the confirmation of these ambassadorial nominations continues to be delayed.

Let me also put a few more things in the RECORD or call then to the attention of my colleagues here, Mr. President. We have a letter here from Jennifer Weeks who is the Arms Control and International Security Program Director of the Union of Concerned Scientists. This is a letter dated November 9 of this year to Senators.

I am sure that the Presiding Officer and each Senator received a similar letter. It says:

> I am writing to bring to your attention the article by Russian ambassador Yuri K. Nazarkin on the START II nuclear reduction treaty which is printed on the reverse side of this page. START II currently pending in the Senate Foreign Affairs Committee and the Russian Duma would reduce Russia's deployed strategic nuclear arsenal by 5,000 warheads. It also would eliminate all of Russia's 10 warhead SS–18 missiles, a longstanding U.S. policy goal.

But as Nazarkin points out, if the Senate does not act promptly to ratify START II, there is little hope that Russia will approve the treaty. START II was submitted to the Senate by President Bush. It has strong bipartisan support and the Union of Concerned Scientists strongly support START II and urges the Senate to move swiftly to ratify this crucial treaty.

I will not read the full text of that article, Mr. President, but let me just quote from Ambassador Nazarkin a couple of statements he made:

> START II represents a real opportunity to lower the nuclear danger that plagued our sense of security during the cold war. Once the agreement is ratified and enters into force American and Russian strategic nuclear forces are to be reduced by about 70 percent from their cold war peaks. It is certain that further delay on the American side will be used in Russia as an argument to defer ratification.

Now Ambassador Nazarkin headed the Soviet delegation to the conference on disarmament in 1987 through 1989 and the nuclear and space talks including START from 1989 to 1991 and participated in the preparation of START II. He is the senior adviser to the Moscow Center of the Carnegie Endowment for International Peace.

Mr. President, let me just be a little more precise about how we get the reductions or what reductions are called for in START II. The START II treaty will eliminate, according to this information I have here—he cited a figure of 5,000. This information is that it will eliminate around 4,000 strategic nuclear weapons from the arsenal of the former Soviet Union. This includes the centerpiece of the Russian arsenal which is the SS–18. Any intercontinental ballistic missile which carries more than a single warhead will be eliminated under the treaty. The following is a list of delivery systems and their payloads, which are expected to be destroyed under the treaty. Let me go through this list very briefly so people understand what we are discussing here.

The SS–18. I think those who have followed defense issues and our arms competition with Russia over the last several decades know the importance of the SS–18 as part of the threat that we face. This treaty would eliminate 188 launchers and 1,880 warheads of that type.

The SS–19. This treaty would eliminate 170 launchers and 1,020 warheads of that type.

The SS–24, 46 launchers, 460 warheads.

SLBM's, sea-launched ballistic missiles. We would see 600 of those eliminated.

Submarine-launched ballistic missiles. As I understand it, the limit there is 1,750 submarine-launched ballistic missiles. The current Russian arsenal is estimated at about 2,350.

So, it is time, in my view, that we proceed to ratify this treaty. It is time, certainly, that we at least get a chance to vote on it. Some of my colleagues here, who are not on the floor at this moment, have spoken out recently in favor of action on START II. Let me just quote some of them, because I have been quoting a great many others who are not here in the Senate. Let me just quote some of those who are here and indicate my agreement with their statements.

Senator LUGAR, on October 31 of this year, talked about both the Chemical Weapons Convention and START II.

Senator NUNN, on October 31, said, ''We must also make maximum use of arms control agreements such as START II and the international treaties and conventions such as the Non-Proliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention.''

Mr. President, I should clarify, for anybody who is interested, that I am not here insisting that we get a time certain to vote on the Chemical Weapons Convention. I do believe it would be advisable for us to move quickly to consider that, but there are some questions that have been raised. I understand the chairman of the Foreign Relations Committee wishes to have additional hearings and explore those questions, and I certainly wish to defer to

his judgment on that and do not, at this time, believe it is essential that the Senate try to get to this issue. My concern on START II is that the hearings have concluded. They concluded 7 months ago and we still have not been able to get the issue before the Senate for a vote.

On October 31 of this year, Senator SARBANES made the following statement. He said, referring to the chairman of the Foreign Relations Committee:

The chairman is refusing to take action on a number of other very important matters before the committee, a number of very significant treaties. We have completed hearings on the START II treaty. Agreement has been reached on all the substantive issues related to that treaty. No business meeting has been scheduled to consider it.

Senator FEINSTEIN spoke on the 1st of November this last month and said:

The START II treaty, signed by the Bush administration and not yet ratified by the Congress, is the farthest reaching arms reduction treaty ever signed in the history of this Nation. I know of no significant opposition to the ratification of the START II treaty. Nonetheless, the committee is unable to begin consideration of it. This is wrong.

There is a group that calls themselves the U.S. START II Committee. They have sent a letter, dated November 13, to all Senators. Let me just read that letter into the RECORD in case some Senators have not had a chance to see that. It says:

DEAR SENATOR: The United States Senate is about to adjourn without addressing the single most important issue of international affairs. Worse, a lost opportunity now may mean that the chance for nuclear arms control could be postponed for a decade.

The Senate needs to ratify START II. This is why what we believe to be a distinguished group of citizens, experts in arms control, with both military and foreign policy experience, has joined together to urge Senate action yet this fall.

We all know the history of START II and what it does: the single most dramatic reduction in the nuclear arsenals of both the United States and the Russian Federation. Another significant step back from the history of the relations between the two countries for the last forty-five years.

Equally important, potentially, the treaty serves as an example to other countries seeking to acquire this nuclear capability that there is an alternative to ownership of weapons of mass destruction: disarmament.

Our conversations with Russian leaders have made it plain that if we fail to ratify this year, there is a significant reduction in the likelihood that Russia will act on this treaty next year. Years of work that have spanned both Republican and Democratic Administrations, years of a genuinely bi-partisan effort, will be lost.

The last speech that then Prime Minister Winston Churchill gave to the House of Commons foresaw this day. The Prime Minister, confronting a cold and hostile Soviet Union, with both worlds then confronting each other with missiles and bombs, stated that ''someday we will be allowed to emerge from the terrible era in which we are required to reside.''

We urge the Senate and you, individually, to take up START II before adjournment and ratify the treaty.

Sincerely,

U.S. Committee for START II

DAVE NAGLE,
Chair, Freedom Support Coalition.
LINDSAY MATTISON,
Director, International Center

Mr. President, one of the things we always look at here in the Congress, perhaps too much in my view, is to see what the public reaction is. So we do have some indication of what the public thinks about the whole notion of START II. Mr. President, 68.4 percent of the public that was polled by a national security news service poll of over 1,000 Americans, which was conducted between April 21 and 25 of this year—68 percent thought that the U.S. Senate should ratify START II, 20.1 percent opposed ratification, another 11 percent expressed no opinion.

A similar question that was asked in that same poll showed that 82.3 percent of Americans believe that the United States and Russia should agree to negotiate deep reductions in their nuclear weapons. Only 11 percent opposed doing so, while 6 percent expressed no opinion on that subject.

So this is not just a group of academics who think we should get on with the business of reducing the nuclear arsenal in Russia as well as here. I would say, the START II treaty is very well designed to bring about major reductions on the Russian side. This is not a unilateral disarmament kind of treaty. There is nobody, Republican or Democrat, that I have heard, who argues that this treaty is unbalanced in that regard. This is a treaty that is very much in our interest and very much in the Soviet interest as well.

Mr. President, let me also just refer to some of the editorials that have been written on this subject around the country in recent weeks. There is an editorial in the Friday, November 3, edition of the Boston Globe. It is entitled ''Two Treaties Held Hostage.'' I will just read portions of that for Members.

During their Presidential terms, Ronald Reagan and George Bush had the good sense to negotiate two arms control treaties crucial to U.S. national security—the Strategic Arms Reduction Treaty, START II, and the Chemical Weapons Convention. Bush and Boris Yeltsin signed the treaty on chemical weapons January 3, and Bush submitted it to the Senate as one of his final acts of statesmanship. It is sad to say that ratification of these two badly needed treaties is being sabotaged by Republican Senators Jesse Helms of North Carolina and Bob Dole of Kansas. Their deliberate thwarting of the ratification process is perverse, not merely because they are undoing the wise work of Republican Commanders in Chief but because their motives seem to be petty and personal and political.

That is a statement in the editorial, Mr. President, which I do not necessarily subscribe to. But I do think it gives the flavor for the editorial comment which is out there.

The Washington Post wrote on the 16th of November ''Poison Gas and Sen. Helms'' is the name of their editorial. It goes on with:

Nearly three years ago, under President Bush, the United States signed a treaty banning chemical weapons, the most powerful comprehensive arms control agreement ever negotiated. It is making no progress toward ratification by this country because the chairman of the Foreign Relations Committee does not like it. Although it was written under American and Republican leadership, there is now a real chance that it could go into operation without American participation.

They are talking about the Chemical Weapons Convention in that case.

There is a New York Times editorial dated the 8th of November entitled ''Jesse Helms' Hostages.''

It says:

Because of the obstinacy of Senator Helms of North Carolina, the United States does not have an Ambassador in Beijing at this time.

That is an issue I want to address in a few minutes.

* * * the United States does not have an Ambassador in Beijing at this time and relations with China have reached their most delicate and dangerous point in more than 20 years.

I will at this point go ahead and talk some about the importance of getting these ambassadors appointed, Mr. President.

I had the good fortune to travel to China, to Korea, and to Japan earlier this year. I did so on a trip under the auspices of the Armed Services Committee, and I did so at a time when relations between the United States and China were clearly strained. Some of that strain remains in that relationship, but some of it, hopefully, has been reduced. But one thing I was struck with on the trip to Beijing and to China was that this Nation, which is, of course, the most populous Nation in the world, has a very fast growing economy, has a tremendous influence over everything that happens in the Far East and, of course, much that happens in other parts of the world as well. We have no Ambassador. When you go to our Embassy there, the personnel there do their best to accommodate your needs, to keep the doors open, and to keep business going as usual. But the simple fact is we have no spokesman there representing our administration, our Government, our country, our President. That is a detriment to us. It has been a detriment to us for several months now.

I think it is particularly unfortunate myself—this is just a personal view of mine—that we are not going ahead and voting on the ambassadorship for China, because one of our former colleagues was nominated by the President to serve in that capacity. He has had hearings. I believe he has strong bipartisan support for serving in that position, as he should have because he had a very distinguished career here in the Senate. But I can tell you that the issues that we tried to address there could much better be addressed if we had a Presidential appointee representing us in our Embassy in Beijing. This is too important a job and too important a position for us to just leave vacant month after month, week after

week, on the assumption that it does not really matter. It needs to matter to us. It matters very much, I believe, to the executive branch of our Government. I believe it matters a great deal to the Government officials that might be in Beijing.

I urged them to return their Ambassador. Relations in August when I was in Beijing were strained to such an extent that the Chinese Government had withdrawn their American Ambassador, asked their Ambassador to come back to China for a period of time. My urging to the Foreign Minister and to other Chinese officials I spoke to was that they return their Ambassador to Washington and that they signal to our Government as quickly as possible that they would like us to move ahead with the appointment and the confirmation of Jim Sasser as our Government's representative and Ambassador in Beijing.

I would say to their credit—I do not know; I am sure they had urgings from a great many other sources and a great many other individuals—but to their credit, in response to whatever set of circumstances, they went ahead and did exactly what I was urging them to do and what I am sure others were urging them to do; that is, they returned their Ambassador to Washington in order to improve the lines of communication, and they signaled to our administration that they would like the administration to go ahead and appoint Senator Sasser to this important position.

The administration, of course, followed through quickly indicating that Senator Sasser was their nominee. The hearings were held. We now wait. We now wait for some additional action presumably.

According to the chart which I have here, Mr. President, the nomination was sent to the Senate on the 25th of September. The reason I think it is important we raise this issue this morning is that the Congress is approaching the end of its actions in the first session of the 104th Congress. When we do adjourn that first session of the 104th Congress, it will be clearly several weeks before we begin again in the new year to transact business here in the Senate. If we do not get this matter dealt with now, if we do not get a ratification of not only Senator Sasser as the nominee to serve in China, but if we do not get a ratification of each of these, if we do not go ahead and approve the nominations for each of these important countries, it will clearly be next spring before any action will be taken by the Senate.

I think that is in derogation of our duties, Mr. President. I think we have a duty by virtue of our position as Senators to go ahead and pass judgment on the nominees that the President sends forward. If people want to vote no, I have no problem with that. Everyone gets elected to vote his or her conscience. If people want to come on the Senate floor and vote against any of these nominees, I think they should clearly do that. My only point is we need to have an opportunity to express the will of the Senate and get on with it. If these nominees are acceptable to a majority of Senators, we should approve them. If these nominees are not acceptable to a majority of Senators, we should disapprove them and allow the administration to appoint an alternative to serve in these important positions.

Let me talk a little about this trip to Asia which I did take earlier this year and which I felt was a very instructive and informative trip. We had three major themes that we were trying to learn about. One was regional security issues. There has been great concern raised about nuclear tests, about possible missile technology exports from China, about concerns about China's defense expenditures and weapons modernization and potential threats to other countries in that region.

There were this summer live ammo military tests in the Taiwan Straits. There have been some aggressive behavior in the Spratly Islands in the South China Sea.

Those were all the very real national security issues, regional security issues that we wanted to explore, and we did have a chance to do that with several governmental officials.

We also wanted to explore trade because we have an enormous problem in our trade relations with China. Anyone who has not paid attention to our trade relations with China cannot be adequately informed about our trade situation today in the world.

In 1994, the United States, according to our Government's figures, had a trade deficit with China of $29 billion. The anticipated trade deficit for this year, 1995, is $36 billion, and the expectation is that in 1996, the trade deficit could rise to as high as $50 billion.

So what we see is that China is fast replacing Japan as the No. 1 trade problem that the United States has. We had a $60 billion trade deficit last year with Japan. Everyone recognizes that that is a serious problem. We have had various initiatives to try to deal with it. Unfortunately, in the case of China, we are just now beginning to awake to the fact that trade is a serious problem. So that was another issue we wanted to look at and did get a chance to look at very seriously.

Technology development, that is another area where the policies of the Chinese Government I think are ones that we need to be aware of and concerned about. Clearly, their Government policy is to target particular technologies and develop those technologies, to trade market access for technology transfer. That is, if a United States company wants access to the Chinese market, they are required to give up technology, their rights to technology to get that access.

Obviously, electro property rights are another major part of the technology development issue.

But let me just talk a little more about the trade problem, Mr. President, because I think that perhaps highlights it as much as anything.

I have a good friend who is a co-owner of a company in my home State which produces wallets, leather wallets, and they employ about 250 people in the southern and west mesa side of Albuquerque to make these wallets. These jobs are decent paying jobs. They are primarily jobs held by women and many of the employees, many of the employees of this company are single women who are trying to raise families at the same time that they hold these jobs.

I received a press clipping about 2 or 3 weeks ago indicating that that plant in Albuquerque employing those 250 people was about to close, that they had announced they would close the plant and those 250 people, primarily women, who work in that plant—I have visited the plant several times—would be out of work, those jobs would be gone.

So I called my friend and said, what is the problem? Why are we having to close the plant in Albuquerque and put 250 women out of work? The answer was, we are no longer cost competitive, or part of the answer at least was that we are no longer cost competitive with China. In China, they will do the work much cheaper. There is no limitation on their ability to import into this country the finished products, and from just looking at the bottom line there are great incentives provided by the Chinese Government for us to locate more and more manufacturing there, and those manufacturing jobs there are displacing United States manufacturing jobs.

That is an old story. That is a story that many people have told in one form or another around this Senate ever since I have been here over the last decade or so.

We have to find some solutions to that. Part of the solution to that is to get serious about our trade deficit with China. We need to recognize that this deficit cannot be allowed to grow from $29 to $36 to $50 billion year after year after year, indefinitely. At the rate of growth that is now involved, we are clearly by the end of this decade going to have a bigger trade deficit with China than we have with Japan. It is not a trade deficit that will go away quickly because they are manufacturing, they are displacing manufacturing that goes on today in this country. They are manufacturing and selling into this country. And we are not able to sell into that country to near the extent we should.

That is a problem that needs to be on the front burner of our U.S. Trade Representative's office, on the front burner of the Department of Commerce. It is to some extent, but I believe very strongly that it would be on the front burner to an even greater extent if we had an Ambassador in Beijing who could make the point that this issue is important to us, who could represent our Government in meetings in that

capital, and clearly we do ourselves a disservice by not going ahead and approving that nomination.

Mr. President, I have not visited the other countries on this list. I believe it is fair to say I visited none of the other countries on this list. But there are some very important trading partners and very important allies that are also represented. Let me just point out some of those.

In Malaysia, we have a nominee there whose nomination was sent to the Senate on June 13. I know of no objection that has been raised to that nomination. Here it is nearly December 13, and yet no action. We have not been given a chance to vote. If there is an objection, we should hear it; we should debate it; and we should vote our conscience one way or another. I have not heard of any.

In Cambodia, we have a nominee there which was sent to the Senate for consideration again on June 13. Again, I know of no reason why that nominee is not an acceptable nominee. Everything I have heard would indicate to me that he is an acceptable nominee, but we have not been given a chance to vote.

In the case of Thailand, again on June 21, a nominee was sent to us for the Ambassador to Thailand. I know of no objection that has been raised to that nominee being appointed, but we are not doing our duty and voting on the issue.

In the case of Indonesia, there I do want to just make a very short statement about our nominee. The President's nominee is Stapleton Roy, who I am sure is well known to many Members of this Senate. He was formerly the Ambassador representing our country in Beijing. He did a superb job. He is eminently respected by everybody in diplomatic circles, and I think he is a superb appointment for that position.

Again, his nomination was sent up on June 28. No action. I have heard of no complaints about his appropriateness for the position. In fact, everything I have heard is praiseworthy. I had the good fortune to meet with Stapleton Roy before we took our trip to China. I say to colleagues, he was extremely helpful in pointing out issues that we needed to explore with Chinese officials because of his great knowledge of United States-China policy and his great experience in that regard.

In the case of Pakistan, Pakistan is a very important country in the world today. We have a great many sensitive issues that we are dealing with. We have votes here on the Senate floor. In the case when the defense bill was on the floor, I remember several votes about our policy toward Pakistan. I think everyone recognizes the importance of having an ambassador representing this Government in Pakistan.

Oman. That is another very important ally of this country in the Persian Gulf area. And clearly we need to have an ambassador there. That ambassadorial nomination, again, was sent on June 28.

Lebanon. Our country has a proud and longstanding relationship with Lebanon. Many of the outstanding people in my State, leaders in the business community, leaders in all the important communities in my State have great pride in their Lebanese heritage. We should clearly have an ambassador to Lebanon. I have heard nobody suggest that this was not the proper ambassador.

I could go on down the list. Many of these countries are in Africa. Again, I have not visited them, but I believe that it is important for us to have ambassadors there. South Africa is a clear example. It is important enough that our Vice President is there this week on a trip. I have had the good fortune, as I know many Senators have, of hearing Nelson Mandela speak to joint meetings of the Congress. I believe I have heard him now twice on trips that he has taken to this country. That relationship between the United States and South Africa is a very important relationship during these important years as that nation moves out of and renounces apartheid, moves on to an open society. Clearly we need to have someone there representing U.S. interests.

Mr. President, there are many other issues that I could go into, and I am glad to as the day proceeds, because I think these are important issues that we need to have before us. But at this point I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, today I rise to show my support for this resolution that is designed to prohibit the desecration of the American flag. It is clear that a constitutional amendment is necessary to ensure the validity of any statute banning flag desecration. Forty-nine States have passed memorializing resolutions calling on Congress to take this action and forward this issue for consideration to the States.

Earlier this session, this resolution was voted out of the Judiciary Committee by a bipartisan vote. I expect the same bipartisan support when the whole Senate votes on this resolution.

The movement for this bill has been unfairly attributed to political parties using it for political gain. This is untrue. The impetus for this amendment comes from over 85 grassroots organizations, such as the Citizens Flag Alliance and the American Legion. These groups have worked unceasingly to return to the protection of the flag by means of a constitutional amendment. Their work has resulted in 49 State legislatures passing resolutions petitioning Congress to act and decide this issue through the ratification process.

There are those who feel that the first amendment rights ought to prevail, and they consider that this is a form of protest expression. If you look at the Constitution, the first amendment talks about freedom of speech and freedom of the press. Both are forms of expression, and they make a distinction between speech and press.

However, regardless of whether there is some distinction in regard to various forms of expression, I think we have to look to the history of staunch defenders of civil liberties and of the first amendment rights. The two names that come to mind the most are Hugo Black and Earl Warren. These Supreme Court justices were very clear in their writings that the first amendment did not apply to flag desecration. In fact, at a Judiciary Committee hearing on this issue, we had the Assistant Attorney General for Legal Counsel, the Honorable Walter Dellinger, who served as a professor of law at Duke University, testify against the amendment.

He recited, when I raised the issue about Justice Black and Chief Justice Warren, how fervently they felt that prohibiting did not violate the first amendment. Mr. Dellinger said at the time that he was the law clerk for Justice Hugo Black, ''you know, law clerks always want to know what goes on in conference.'' So they, therefore, will get their ears close to a keyhole and listen in to hear sounds of voices from within that sometimes quietly but effectively creep out. He said he would put his ear to the keyhole and listen to what was going on in conference to try and hear what the Justices were saying in their arguments. He recited that there was no question that Hugo Black and Earl Warren were fervent in their position, very strong in their position that first amendment rights were not being violated by the fact that you had statutes which protected the flag.

They wrote in Street versus New York, a case that was not directly in point, and expressed themselves very clearly in regard to this particular issue.

Mr. Dellinger informed us at the hearing that flag desecration brought these two eminent jurists together with the opinion that ''the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace.''

The American flag is the symbol that unites us and symbolizes everything that we have fought for and died for over the years. Honoring the flag is an integral part of American life. The Pledge of Allegiance that is given is a pledge of allegiance to the flag. I think this is very important to realize, because the flag is the unifier that brings together our diverse, pluralistic views.

We sing the ''Star Spangled Banner,'' and the ''Star Spangled Banner'' speaks of the fact that it flies over

''the land of the free and the home of the brave.'' So I think our flag is a great unifier. Respect for the flag begins at an early age, and is constantly reinforced throughout our life. We sing the national anthem at special events, begin school days with the Pledge of Allegiance, and stand at attention at Veterans Day parades when our soldiers proudly march through the streets holding high the flag that they protect.

Few things stir more emotion and patriotism for us as the Iwo Jima Memorial which depicts the marines risking their lives to raise our flag. I served in the Pacific in World War II, so it is hard for me to conceive that we have reached a point in our history where there is such casual disregard for the flag that some citizens would desecrate it.

Opponents have raised several legitimate concerns over the amendment. One of these is whether the amendment would carve out an exception to the first amendment. This amendment would simply overturn two erroneous decisions of the Supreme Court which misconstrued the first amendment. In one of those cases, Justice John Paul Stevens' dissent summed up the symbol of the flag best in the case of Texas versus Johnson decision, which was handed down in 1989 and unfortunately, allowed flag desecration. Justice Stevens said:

> It is a symbol of equal opportunity, of religious tolerance, of good will for other people who share our aspirations. The symbol carries its message to dissidents both at home and abroad who may have no interest at all in our national unity or survival.

By protecting this one unique national symbol, we have not reduced our freedom of speech. The first amendment has been interpreted broadly by the courts over the years, but it has never been deemed absolute. It does not protect ''fighting words'' or yelling ''fire'' in a crowded theater. Prior to 1989, Americans' right to express their views was not curtailed by the laws of 48 States, which prohibited flag desecration. Other matters, such as obscenity, defamation, or other restrictions on freedom of speech, such as the destruction of a draft card, have been held by courts not to come within the purview of the first amendment.

Another concern which has been raised is that there is no need for an amendment. The number of times the desecration of the flag is documented is not the point. The law should not turn simply on the number of cases; it should turn on what effect there is on the flag as a symbol of the unity and freedom of our country each time it is desecrated. This flag is devalued when there exists no legal means to protect the flag from those who would desecrate it in order to express their views.

I believe this amendment will not deter flag desecration in all cases. In some cases, it may even spur a handful of people to burn flags in order to test its purpose. But by allowing the flag the protection of a constitutional amendment, we reiterate our belief that we ourselves value the flag as a symbol of what America stands for.

Our society is increasingly pluralistic, and being an American means many different things. As we highlight our differences in this changing world, we must remember what unites us. Without unity, there would be no America. The flag is a great unifier that brings together Democrats and Republicans, conservatives and liberals, and people from all walks of life and different persuasions. The flag crosses religious belief, race, cultural heritage, geography, and age. To disregard the power and the importance of our flag is to take us down a path that we would be wise not to follow.

I think we should support this constitutional amendment, and I feel that it is important that we do so. I believe that the vast majority of the American people support the amendment. In fact, a 1995 Gallup Poll was taken, which asked whether the American people thought that we should have the right to determine by vote whether or not the flag should be protected from desecration. Eighty-one percent of the people said ''yes.'' Asked whether they thought such an amendment would jeopardize their right to freedom of speech, 76 percent answered that it would not jeopardize their freedom of speech.

So I feel that there is great support for this effort across the land, and I hope my colleagues will join us in adopting this constitutional amendment, which will give great importance to America and to the flag that unites us, because the flag that we pledge allegiance to is a pledge also to our Republic and to our belief in this great country of ours.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

DISCUSSIONS ON THE BUDGET AND BOSNIA

Mr. GRAMM. Mr. President, I see that we have no other colleagues on the floor ready to speak on this subject, so I would like to speak both about Bosnia and about the budget negotiations that are going on here in the Capitol. I would like to talk about both because I think they are very important.

Mr. President, I am opposed to sending American troops to Bosnia. I have not reached this conclusion quickly; I listened to President Bush and the Bush administration debate this issue at some length and followed that debate pretty closely. They reached the conclusion that sending ground troops to Bosnia was a mistake. My consistent position during that debate was that I also opposed sending ground troops to Bosnia.

I have now had 3 years, counting the Presidential campaign in 1992, to listen to President Clinton try to make the case that we should send American ground troops into Bosnia. I am perfectly aware—and I say it with no criticism intended—that the President is a very effective salesman. I have concluded that his failure to convince me, and his failure to convince the country, on the issue of sending ground troops to Bosnia is not the result of his lack of ability as a salesman. I think it has resulted from the fact that this position cannot credibly be sold.

I have always tried to use three tests in deciding whether to send Americans into combat or into harm's way. I have applied those tests in the past and I have applied them to sending ground troops to Bosnia:

First, do we have a vital national interest? In the Persian Gulf, we had a military dictator who was working to build chemical and nuclear weapons, and who had invaded a neighboring country. His military aggression threatened two vital allies of the United States—Israel and Saudi Arabia. And so, clearly, in the Persian Gulf we had a vital national interest.

I have been to the region that we are discussing today. I have talked to our military at some length. Like virtually every other person in the country who keeps up with what is happening in our country and around the world, I am aware of the terrible misery that has plagued all of what used to be Yugoslavia, and especially the misery in Bosnia. But I have concluded that we do not have a vital national interest in this region.

The second question that I tried to ask is: Can our intervention be decisive in promoting our vital interests? It is one thing to have a vital national interest; it is another thing to be able to be decisive in promoting that interest.

In the Persian Gulf war, we had the military capacity to promote our vital national interest.

We also had a clearly defined objective: drive Saddam Hussein out of Kuwait. We were able to put together an alliance and a plan that was as detailed about how we were going to end the war and get out of the Middle East, as it was about how we were going to intervene.

I concluded in the Persian Gulf that we did have the capacity through our intervention to promote our vital interests. Certainly history has proven that to have been the case.

I do not believe, however, that we have this capacity in Bosnia. I am very concerned about putting young Americans into the line of fire as a buffer force between two warring factions which have broken every cease-fire and have violated almost every treaty over the past 500 years.

Now we have proposals, both from the administration and from the leadership of the Senate, which say that we should not only serve as a buffer force between those warring factions, but remarkably, in my humble opinion, that at the same time we

should be engaged in overtly arming and training one of the belligerents in this conflict.

I have to say, Mr. President, I respectfully disagree with that policy. I supported lifting the arms embargo against Bosnia. I thought it might make sense under some circumstances for Americans to provide training—not in Bosnia—but maybe somewhere else. It might make sense to train some of their senior officials in the United States, which is the sort of thing we have done in the past.

I believe there is a conflict between the role of arming the Bosnians and serving as a neutral buffer force. I think that many even in our own Senate, and certainly some in the administration, have not reconciled how we could serve those two functions at the same time. It is not possible to be a neutral buffer force and, at the same time, be involved in the training and arming one side.

I know, from having discussed this with some of our colleagues, there is a belief that we, in essence, took sides when we bombed the Serbs. If that is so, then this should disqualify us from serving in this intervention/peacekeeping role. I think it was a different situation. The Serbs had been issued an order by the United Nations to stop the shelling and to withdraw their heavy weapons. They refused to do it.

NATO was asked to be the military arm of the U.N. forces in that case, a terrible command structure—one I would never support under any circumstance in the future and have not supported in the past.

The point is, in no way do I see how our intervention, in a period of time of roughly 1 year as set by the President, how this is going to change anything in Bosnia. There is no reason to believe that our intervention is going to be decisive.

Finally, let me say that in representing a big State with many people serving in the military, it has been my responsibility, after both Somalia and the Persian Gulf, to console parents and spouses of young Texans who have given their lives in the service of our country.

In talking to families, it has struck me that at least in my case there ought to be one more test. That test ought to be this: I have two college age sons; if one of my sons was in the 82d Airborne Division, would I be willing to send him into battle? It seems to me that if I cannot answer this question with a yes—no ifs ands or buts about it; and in the Persian Gulf I could answer it yes, no ifs ands or buts about it—if I cannot answer this question with a yes, then I cannot feel comfortable sending someone else's son or sending someone else's daughter.

So I am opposed to sending American troops into Bosnia. I intend to vote against the President's resolution asking Congress to join him in endorsing this policy. I am concerned we are in the process of seeing a resolution put together that, quite frankly, is full of escape clauses and ejection seats so that politicians can be on both sides of the issue.

I want a clear-cut vote where we can vote ''yes'' we support the President's policy to send troops to Bosnia; or ''no,'' we do not. I intend to see that we get such a clear-cut, up or down vote.

I am working with roughly a dozen of our colleagues who want to have that vote. I think it is very important that we say where we stand. I know there will be those who will try to combine the issue of supporting the troops with supporting the President. Quite frankly, I do not buy into that logic and I do not think it serves our political system well to try to combine the two. There is not a Member of the Senate, nor has there ever been a Member, who would not support the troops.

It is because I support the troops, because I am concerned about their well-being, that I am opposed to sending troops to Bosnia. I have no doubt that the Americans who serve in the Armed Forces of the United States will go where their Commander in Chief sends them. They will serve proudly. They will do their job well. That is not the issue here.

Their performance is not in doubt; it is our performance that is in doubt. Their ability to do their job is not being questioned. It is our ability in the Senate to do our job that is being questioned.

I think it is important that there be no ifs, ands or buts about it, that we ought to have a clear-cut vote as to who supports the President's policy in Bosnia, and who does not. I, for one, do not.

Let me add one other thing. This whole issue has nothing to do with politics. It has nothing to do with Bill Clinton. It has nothing to do with our distinguished majority leader, Senator DOLE, who supports the President on this issue. It has everything to do with my obligation to 18 million Texans who elected me.

I was against sending troops into Bosnia when George Bush was President. I am against sending troops into Bosnia now that Bill Clinton is President, and I am going to be against sending troops into Bosnia when someone else occupies the White House. This is an issue that I think is vitally important and goes to the very heart of what the role of Congress is. I believe that here we should say ''no.''

BUDGET NEGOTIATIONS

Mr. GRAMM. Let me, Mr. President, talk about the budget negotiations. I am concerned that if we let this budget impasse go past the first of the year, that the financial markets in America are going to begin to react to the fact that no deficit reduction has occurred.

I want to remind my colleagues that the election which occurred in 1994 is one of the clearest examples that I have ever seen of how elections can have tremendous economic consequences. If I were still serving in my role as a professor of economics at Texas A&M instead of serving in the role, as I often feel, of trying to teach economics here in Washington, DC—students at Texas A&M were a little more attentive—I would use the plotting of interest rates in America as a perfect example of how elections have profound economic consequences, because I know that the people who have looked at the data are as astounded as I am at the results we would see.

Interest rates were rising steadily until the day of the 1994 elections. When we had the most decisive election since 1934, interest rates suddenly started to decline. They have declined ever since, and as a result, the average annual mortgage payment on a 30-year mortgage in America has been reduced by about $1,200. That is a dramatic change.

Now, it seems to me that the logic of this change is based on the rational expectation that the 1994 election, which brought a Republican majority in both Houses of Congress, was going to produce a dramatic change in the spending patterns of our Government. As we all know, Republicans had promised in the election that they would institute such a change, that we would balance the budget, that we would let working people keep more of what they earn, and that we would make some very modest changes to try to promote economic growth.

Now we are on the verge of going into the new year without any of those changes having occurred. We have passed a budget, but the President is going to veto it. That means we have to start the whole process over. I simply want to raise a warning and a red flag that if we do not stand our ground on the 15th of December, if we simply give President Clinton another credit card without forcing him to sit down with us—the way families sit down at their kitchen table with a pencil and piece of paper and write out a budget that everybody agrees they are going to stick with—if we simply give President Clinton another credit card 10 days before Christmas and do not exact for that, some change that begins to implement a balanced budget, I am concerned that after the first of the year the markets that had changed their investment patterns on the belief that we would see a dramatic change in the fiscal policy of the country are no doubt going to reevaluate their position and interest rates are going to start going up.

I believe that if we do not do something about this deficit before the first of the year, then we risk a rise in interest rates. I know it is very tempting to say, 10 days before Christmas, we do not want a confrontation with the President. It is also fair to say that, 10 days before Christmas, the President does not want a confrontation with us either. I do not think this is the time to fold up our tent and go home. I

think this is the time to stand our ground, demand that the President sign on to a budget in order to get this new credit card, and I am committed to the principle that we do just that.

I think we have written a budget which fulfills what we promised we would do; I intend to stand with that budget. My proposal, which I have made on several occasions in the past is this: we have set out what we can spend over the next 7 years and still balance the Federal budget; we should ask President Clinton to sit down with us and to try to reach agreement as to how that money is spent. I do not believe we ought to go back and rewrite our budget and let the President spend tens of billions of dollars we do not have on programs that we cannot afford.

I think the best Christmas present we could give America is a balanced budget. Maybe my perspective is different because I am spending more time outside Washington than many of our colleagues, and I am in a mode where you tend to listen a little more intently than you might otherwise. I believe that the American people are not so concerned about the Government being disrupted as they are about the fact that a baby born in 1995, if the current trend in spending continues, is going to pay $187,000 in taxes, just to pay his or her share of the interest on the public debt. This is not just economic suicide, it is immoral, and I think we need to do something about it. I submit, that if we cannot do it now, how are we going to do it next year when we have to turn right around and write another budget?

I simply raise these alarms because I believe we need to stand firm on our commitments to the American people. After all, we did not say we were going to balance the budget only if it was easy. We did not say we were going to balance the budget only if Bill Clinton went along. We said we were going to balance the Federal budget. So I think the time has come—in fact, in my opinion, it is long past—to say to the President, if you do not sign on to a budget, then we are not going to give you another credit card. It seems to me, the last time we went through this exercise the President got the credit card and we got this vague language about how he was going to support balancing the budget in 7 years under all these circumstances and all these conditions. The President was doing a lot of nodding and winking and good gestures during the negotiations, but once he got the credit card he said we have either agreed on everything or we have agreed on nothing, and since we have not agreed on everything, we have, therefore, agreed on nothing.

I think we need to stop debating statements of policy. I think if we are going to give Bill Clinton another credit card, we need to have written into law limits on how much he can spend. Finally, we need to require that, in return for getting another credit card, the President join us in a budget which meets the spending levels we set out in the original seven year balanced budget resolution.

I see we have another colleague who is here to speak. So, to accommodate him, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1452 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAMS. Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be allowed to continue as if in morning business for 10 minutes.

Mr. DORGAN. Mr. President, reserving the right to object—I will not object—I wonder if the Senator will add to his request that I be allowed to speak for 10 minutes as if in morning business.

Mr. HOLLINGS. I amend the request accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair.

THE BUDGET

Mr. HOLLINGS. Mr. President, I was getting a bite of lunch and noting on TV the continued hypocrisy. There is no better word for it. Some in the Senate continue to come and blame President Clinton for the deficit. They continue to say he does not want to do anything about the deficit, which is totally out of the whole cloth. It is good pollster politics to try to paint that image.

But the fact of the matter is, where I could be blamed for the deficit because I have been up here for years and others could be, President Clinton was down in Arkansas balancing the budgets for 10 years. He came to this town with a plan in 1993, and it was traumatic. It said we are going to cut spending and get rid of Federal employees. We are going to cut the deficit $500 billion. We are going to tax. We heard that word. We are going to increase taxes on beer and liquor and cigarettes and gasoline, and, yes, Mr. President, we are going to increase taxes on Social Security—one of the really sacrosanct, holy of holies. He insisted on that attempt to cut the deficit, and there was not a single vote on the other side of the aisle either in the Senate or in the House of Representatives. But that other side of the aisle, having done nothing but cause deficits, comes now with this pollster-driven message that is developed by a retinue of Senators coming to the floor, and now I have to listen to some kind of lockbox nonsense.

Who caused the deficit? I know one who balanced the budget: Lyndon Baines Johnson. President Johnson in 1968 and 1969 was very sensitive about the charge of guns and butter and not paying for the war in Vietnam and his Great Society. So he had a 10-percent surcharge on taxes, and he came with spending cuts. At that particular time, the entire budget was $178 billion—$178 billion for Medicare, for defense, for Medicaid, for welfare. All the things that everyone is talking about cutting, President Johnson paid for and ended up with a $3.2 billion surplus.

Now, where did the deficit start? Presidents Nixon, Ford, and Carter all worked at cutting spending. But it was President Ronald Reagan who came to town with a promise of balancing the budget in 1 year. The others had not made that promise. They had worked on it. But the actual promise in the campaign—and I can show you the document—was, ''We are going to balance the budget in 1 year.''

President Reagan, on coming to town, said, ''Heavens, I didn't realize the fiscal dilemma we are in. It's going to take longer than 1 year.'' And he submitted and we passed in 1981 a budget to be balanced in 3 years. In 1985, with Gramm-Rudman-Hollings, we promised a balance by 1990. And in 1990, this Congress here, before President Clinton came to town, promised not only a balanced budget by 1995 but a surplus of $20.5 billion.

Now, that goes to all of this posturing about the historic effort that we are making in closing down the Government and the partisan attack that we are the only ones for a balanced budget and the other crowd is not. The fact is that for 200 years of history and 38 Presidents, Republican and Democrat, up until 1981 we had yet to come to a national debt of $1 trillion. It was less than $1 trillion. Now the deficit has grown over the 15 years of spending over $250 billion and the debt to almost $5 trillion.

The deficit for this year is considered by the Congressional Budget Office to be $311 billion. Spending goes up, up, and away, and as we look at defense, that has come from $300 billion down to $243, similar domestic discretionary spending and others. But the one that has really taken off, is interest cost on the national debt—$348 billion, or $1 billion a day. We have spending on automatic pilot.

This land has fiscal cancer, and nobody wants to talk about it.

There was an old limerick, my children, on Saturday morning, on the ''Big John and Sparky'' program on the radio:

All the way through life, make this your goal: Keep your eye on the donut and not the hole.

Mr. President, we are looking right at the hole with tax cuts and avoiding and evading the donut, which are tax increases, because we know—and I am saying we in the budget process who have been working in this discipline—and they know it on the other side of the aisle, too. I can quote Senator DOMENICI, who, all the way back in 1985—the present chairman of the Budget Committee—said you cannot balance without an increase in taxes.

We tried budget freezes with then-majority leader Howard Baker of Tennessee, the Republican leader. We worked in tandem; in those days you could work together. We tried not only the freezes but the spending cuts across the board, with Gramm-Rudman-Hollings. And then, in 1986, we got on our Finance Committee friends—and I see the distinguished chairman is present—and we said, look, we might be spending in appropriations, but you folks with loopholes are spending way more than the Government.

And so, with the distinguished Finance Committee and its chair, Lloyd Bentsen of Texas, we had tax reform in 1986, and we supposedly closed the loopholes. And at that time, we had freezes, cuts, and the loophole closings. Then in 1987, a studied group within the Budget Committee, charged with the responsibility of balancing the budget, agreed that it could not be done merely with cuts and freezes and loophole closings; that we needed taxes.

In an informal vote on the Budget Committee, eight of us and two of our Republican colleagues, Senator Danforth of Missouri, Senator Boschwitz of Minnesota—he did not come up here with a lockbox gimmick. He came with a solemn vote for a 5-percent value-added tax allocated to eliminating the tax and the debt.

That was 8 years ago. Eight years ago, we were trying. But they do not try now. They come with all the pollster nonsense, running around here, getting on top of the message. That is why we are in session.

I can tell you, if people of common sense would look at the 65 percent of what has been agreed upon in both budgets, which would constitute about another $600 billion in spending cuts, which this Senator could support, we could agree on cuts in Medicare—not no $270 billion. That is out of the whole cloth. We could pare back some on Medicaid and the other particular programs. The President was asking just this time last week, on Thursday, he said, you have given me $7 billion; you force-fed me $7 billion, never even asked for by the Pentagon or by the administration, but you just heaped it on. Now, just give me $1.5 billion so I can take care of technology and children's nutrition and health care, environment, education, so we do not have to wreck the Government, we can pay for the Government.

These programs save money, as well as lives, but they would not even compromise. Every time they talk, they say, ''Here's our budget. Where is yours?''

The PRESIDING OFFICER. The Chair would inform the Senator that his 10 minutes under the unanimous-consent request have expired.

Mr. HOLLINGS. Mr. President, could I have 2 more minutes? Is there objection?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator is recognized for 2 additional minutes.

Mr. HOLLINGS. I do appreciate the Chair and the indulgence of my colleagues. I simply will end by saying that we can easily get together on the 65 percent, $700 billion in savings right now. This Senator believes we need taxes. Others say, no, you need more spending cuts. I know if you could do it in spending cuts, we would have long since done it.

The entire domestic discretionary spending is $273 billion. That is for the President, the Congress, the courts, the departments, welfare, foreign aid. Just get rid of it all. But you are spending $348 billion automatically for nothing in interest costs on the debt.

You can do away entirely with Medicare. That is only $200 billion. Do away entirely with the entire Defense and Pentagon budget of $243 billion. You have still got a deficit. You cannot do it.

So you have to get together, men and women of good will, and work together to freeze, cut, close loopholes, and get some kind of a revenue measure to get on top of this fiscal cancer. It is growing faster than we can stop it. I look upon it as taxes because it cannot be avoided. The truth of the matter is that we have to increase taxes to stop increasing taxes. Spending is on automatic pilot, and nobody wants to admit it, and no plan here comes near excising this cancer.

I thank the distinguished Chair.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Under the previous agreement, the Senator from North Dakota is recognized for 10 minutes as in morning business.

THE RECONCILIATION BILL

Mr. DORGAN. Mr. President, I noticed some earlier discussion on the Senate floor that prompted me to come and discuss the pending veto of the reconciliation bill by President Clinton. Some wonder, because they extol the virtue of that reconciliation bill, why on Earth would the President veto it?

It occurred to me that often cartoonists are able to capture the equivalent of 1,000 words in one little picture. This cartoon out of the Times Union, I think, describes pretty well why the President feels he must veto this legislation. You look at the cartoon. He has the Republican tax cut in the carriage, and the elderly woman on Medicare with the walker pulling the carriage here. And he says, ''Giddyup ol' gal.'' That is a cartoonists' message of poking fun. Behind that cartoon is a message.

Those who say that the tax cuts, half of which goes to those whose incomes are over $100,000 or more, will have no impact or no relationship to Medicare, that is hardly believable. That is not to me or to cartoonists or to people around the country. There is a relationship.

The discussion about all this is not to balance the budget; we ought to. The question is, how do you do two things, balance the budget and still retain the priorities that are necessary for this country?

I have said before—and I want to state again today—I give the Republican Party credit, the Republicans in the Congress credit, because I believe they sincerely want to balance this budget. I think their initiative to push to do that makes sense, and I compliment them for that. I think there are a lot of us who also want to balance the budget but want to do it with a different sense of priorities.

I hope they will accord us the same respect and say, ''Yes, that makes sense.'' And, ''We understand your priorities.'' And, ''Let's try to find a compromise.'' I hope that is the way we will be able to solve this problem, to do two things, balance the Federal budget and at the same time reach the kind of compromise on priorities that protects certain things that many of us think are important.

I happen to think that we ought to have separated this job. First, balance the budget, and then, second, when the budget is balanced and the job is done, then turn to the issue of the Tax Code. But that was not the case. The case was that you had to do a tax cut within the context of this reconciliation bill. The problem is that the priorities, in my judgment, are priorities that are not square with what the country's needs are.

A previous speaker talked about being a Senate pork buster. I guess I was unaware that we have a caucus called pork busters, a rather inelegant name, but I understand what it means. A pork buster, I think, would be to look at where is the pork, where is the spending that ought not be spent? I would encourage those who are part of the pork busters caucus to take a look at the defense bill, because I have talked before about the issue of priorities in the context of balancing the budget, especially as it relates to the defense bill.

I have a list here of additions to the defense bill that no one from the Defense Department asked for, no one wanted, no one said we needed, no one requested. This is extra money stuck into the defense bill by people in the Senate who said, ''By the way, Defense Department, you don't want enough trucks. You didn't order enough trucks. We insist you buy more

trucks.'' So the Congress says, ''We're going to order more trucks for you. It is true you did not ask for them, but you need to be driving more trucks. You did not ask for more B–2 bombers. We're going to order up some B–2 bombers for you. You didn't ask for amphibious ships.'' And the major debate is which of the ships shall we buy? There is a $900 million one or a $1.2 billion one, so the Congress says, ''You didn't order either of them, so we insist you buy both of them. That's our priority. You didn't order enough F–15's. We're going to order some for you. You didn't order enough F–16's. We're going to order some of those for you. You didn't order enough Warrior helicopters, Longbow helicopters, Black Hawk helicopters. We insist you get some of those as well.''

This is from people who say they are conservatives. Probably some of the pork busters are some of these people, I do not know. But if they are looking for pork to bust, boy, I tell you this is a slaughterhouse that will keep them busy for a year. I can give you chapter and verse on planes, ships, submarines, tanks, helicopters that were ordered that the Secretary of Defense said he did not want.

So, you know, I say, look, if this is a question of priorities—and I think it is—how do you balance the budget? What are the priorities? How do you strengthen our priorities and reach from zero? There was $7 billion added to the defense bill this year, $7 billion that the Secretary of Defense said he did not want. I have said before and I am going to state again, because I think it is descriptive of the priority problem, a little program called star schools is cut 40 percent and a big program called star wars is increased in funding by 100 percent. It is, I think, the script of the fundamental problem of priorities.

The priorities are wrong. That is why the President is going to veto that today. The priorities in terms of what the bill, the reconciliation bill, says to the public, are these: In the same town, going to two different addresses with two different messages. The first letter to describe how this balanced budget plan affects you, we will go to the top floor of the best office building in town. And on the 18th floor they will knock on the CEO's door of a major corporation and say, ''Well, we just passed this bill, this budget balancing bill, and here is how it affects you. Your company gets some relief from what is called the 'alternative minimum tax,' so you get $7 million in tax cuts because of a little provision called the AMT in this bill. So we want you to smile here on the 18th floor with this big desk and big office, with a $7 million tax cut we give you.''

And then you get back in the taxi and go to the other side of town to a little one-room apartment occupied by a low-income person in their late 70's with heart trouble and trying to struggle along and figure out how she stretches a very low income to eat and pay for more medicine and pay for rent. We say to that person, ''Well, we just dropped off a $7 million tax cut downtown to the CEO of a big company, but our message for you is not quite so good. We're going to tell you that you are going to have to pay a little more for your health care and probably get a little less health care to boot. You are going to pay more and get less. You have to tighten your belt more. You understand the message. You have to tighten your belt. Yes, you are in your late seventies; I know you cannot compensate by getting a second job or first job, but you have to tighten your belt.''

See the different messages? One to the biggest office in town saying, ''You get a big tax cut.'' The other to the person struggling out there barely making it saying, ''By the way, we're going to add to your burden.'' That priority does not make any sense.

There is another little piece in here—I hope the chairman of the Senate Finance Committee will come and we can have a discussion about this someday—a little piece in this tax cut bill, by the way, on the issue of deferral. It says, we are going to make it more generous for you than under current law. If you move your plant overseas and close your plant here we are going to make it more generous. We are going to increase the little tax loophole that says to companies, ''Leave America, put your jobs elsewhere, close your plant here.''

Boy, you talk about an insidious tax perversion that says we will give you a tax break if you only leave our country. That is in this bill. It is not a big thing; it is a tiny, little thing. I bet there are not two or three Senators know it is there or why it is there or who it is going to benefit. But that is the kind of thing that represents a fundamentally wrongheaded priority. And it is what the Senator from South Carolina talked about.

There is not any question, you will not get a debate in this Congress about whether you should balance the budget. We ought to do it. The question is how, how do you balance the budget and at the same time have a fair sense of priorities about what strengthens our country and what is important in our country.

I am one of those who will negotiate, a team of people sitting around a table, Republicans and Democrats on a negotiating team. I very much want this to succeed, very much want it to work. I believe the end stage of the President and the Democrats and the Republicans in Congress can agree on a goal of balancing the budget and agree on a goal of preserving priorities that make sense for this country in health care, education, the environment, agriculture and a couple of other areas, that we can get this job done. The American people expect us to get it done, and we should.

But we have a circumstance where the budget reconciliation bill or the balanced budget provisions were essentially written without any assistance from our side of the aisle. There was not a budget meeting. The Senate Finance Committee met drafting this with the majority party, which is fine, but it does not make for a process in which you get the best of what both parties have to offer. That is what I think the end stage of this process ought to be.

So, I echo many of the things said by the Senator from South Carolina. I believe the goal is very worthwhile. We ought to do it, we ought to do it the right way, the real way, and when we get it done working cooperatively with both sides of the aisle, I think the American people would have reason to rejoice that we put this country on sound footing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I hope we might be able to move ahead here. I understood maybe by 1 o'clock we would be able to proceed to the constitutional amendment on flag desecration. I do not know what the problem is. I hope I am not part of it. I have been trying every day to get ambassadors confirmed, particularly our friend Senator Sasser. I am still working on it.

But I must say, this does not encourage me very much to waste the whole morning and part of the afternoon, at a time when we are trying not only to do this but cooperate with the President on an item or two.

I hope the Senator from New Mexico will let us proceed. I can only say to him, it is my intention before we leave here this year to have the Executive Calendar cleared, START II completed, and I do not know what else may have been mentioned here this morning.

I also understand that they are very near an agreement that would permit us to do all this in 4 hours. It seems to me that is worth pursuing. That is what I have been doing on a daily basis, and as recently as yesterday, I spoke to the Democratic leader about it.

So I hope the Senator from New Mexico, with those assurances, will let us proceed to Senate Joint Resolution 31, so we might complete action on it tomorrow and that we might complete action also tomorrow on the partial-birth abortion bill and also perhaps a conference report on State, Justice, Commerce. And that might be all we can accomplish this week. But I hope we can proceed.

I do not disagree with the Senator at all. My view is every one of these nominees have families. I have made this plea on the floor many times, regardless of who was holding up ambassadorships. I think in this case it has been an effort on both sides—Senator KERRY

on one side and Senator HELMS on the other—to come together with agreement, and I was told, as recently as 10 minutes ago, that they are just that far apart, which will certainly resolve all the questions that have been raised, I think, by the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, if I can respond to the majority leader's suggestion.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I certainly have no question about the majority leader's good intentions with regard to these matters. I think he has been trying to move ahead on them. But unfortunately, in order to get anything done around here, you need unanimous consent. We do not have that as yet.

In fact, the ambassadorial nominations we have been discussing are still not out of committee, and the START II treaty is still not out of committee. They are not on the Senate Calendar.

I feel if we could get a unanimous-consent agreement which provided for a vote prior to adjournment this fall of this session on the Ambassadors and also provide for a time and some limited amount of debate to get START II dealt with, I certainly would be willing to go with that. I think what we do need is an agreement that Senator HELMS and all the others who are involved in this will agree to.

I do not have any involvement in the negotiations that are taking place with the State Department reorganization or any of that. I do not have a dog in that fight, as the saying goes. I do want to see us deal with these particular matters I have identified here. I would like agreement among all Senators to do that. If we can get that unanimous-consent agreement, with Senator HELMS agreeing to it, then obviously that would resolve my concerns.

Mr. DOLE. I have the agreement in my hand. I have been trying to get it for several weeks. We have come very close, I must say. This is not just Senator HELMS. It involves the Senator on the other side. I do think we are that close.

In this agreement, it also says we will take up the START II treaty. START II is part of it, along with all the nominations. I think it takes care of those that might be pending in the committee, too, or discharged. Even though they have not been reported out, they would be covered, too, by our agreement.

We thought we might get this agreement yesterday. That is how close we are. I have not given up on getting it yet today. I asked Senator HELMS, the Senator from North Carolina—I thought it might take several days on START II. He said he did not think so. He thought there would be one or two amendments.

So, as I understand, once the logjam breaks, within 4 hours we can complete action on State Department reorganization and then all the nominees would be confirmed, and then START II—at least there would be an agreement to take up START II. I think we are getting very close to what the Senator from New Mexico would like to achieve. I just hope we can work out something so that while we are trying to achieve this, which is the agreement, that we can also proceed on Senate Joint Resolution 31.

I have just been advised that maybe one phone call away, we may be working something out on this.

Mr. BINGAMAN. Mr. President, I compliment the majority leader for the progress made. I am glad to hear all this. I was not aware of it. I do believe it is important we make that one additional phone call and get this nailed down. If I go ahead and say fine, proceed—quite frankly, I have been asking the Democratic leader, Senator DASCHLE, about these matters for about 3 weeks now, and he has consistently, and in good faith, said we are just about to agree. We are very close. I know he is in good faith; I know the majority leader is in good faith; I certainly feel I am in good faith. But I do want to see us get the agreement entered before we proceed to consider this constitutional amendment.

As I said, I have no objection to us voting on the constitutional amendment, but I would like to have that put off until we have agreement to vote on these other matters that are agreed to by all Senators.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Delaware.

OPERATIONAL TEST AND EVALUATION

Mr. ROTH. Mr. President, I rise today to express my strong opposition to what I believe is a very destructive provision in H.R. 1530, the Defense authorization bill.

That provision would repeal the public laws that created and gave authority to the Director of Operational Test and Evaluation in the Office of the Secretary of Defense.

What is at stake here are the lives of our men and women in uniform.

The OT&E was created by Congress over 10 years ago with strong bipartisan support. The purpose of this office is to ensure that our servicemen receive weapons that are tested in an independent manner and in an operationally realistic environment. This office was created to guarantee that the weapons our soldiers take into the battlefield are ready for combat.

In this important way, the OT&E saves lives.

Mr. President, the OT&E is also the conscience of the acquisition process. Its work has helped to prevent waste and fraud. It is the cornerstone to Congress' and the Pentagon's fly-before-you-buy approach to new weapons platforms and other military equipment.

In this important way, the OT&E saves the taxpayer money.

I understand that the provisions eliminating the Director of the OT&E originated out of an effort to streamline the already bloated Pentagon bureaucracy. I support that larger effort. Together with Congressman KASICH, I have sponsored legislation that would streamline the Pentagon's acquisition process.

However, eliminating an effective OT&E will not eliminate the need for testing under realistic battlefield conditions. It does raise the question as to what office will be responsible for approving tests and representing the troops through independent evaluations of new weapons.

Moreover, the OT&E has already been streamlined. Last year's Federal Acquisition Streamlining Act merged live-fire testing with the operational testing function. We should also recognize that the OT&E is already one of the smallest directorates in the Pentagon.

Mr. President, the OT&E is an office that has earned the respect of others in the Pentagon and in Congress. After Operation Desert Storm, former Secretary of Defense Dick Cheney stated that the vigorous, independent testing oversight put into place by Congress ''saved more lives'' than perhaps any other single initiative.

Just last year, the GAO testified before Congress stating that the priority we give to independent testing and evaluation should be increased and not decreased. In its examination of operational testing, the GAO concluded that any changes to legislation for the testing and evaluation of military equipment should preserve, if not strengthen, the fly-before-buy principle.

Yes, Mr. President, the provisions in this year's Defense authorization bill would weaken that legislation.

Let me also remind my colleagues that this body, the U.S. Senate, unanimously passed a resolution just this last August expressing our belief that the authorities and office of the OT&E must be preserved. It is, thus, surprising if not shocking, that the conferees appear to have overlooked this resolution.

Above all, Mr. President, the provisions that effectively decapitate the OT&E constitute an issue of priorities. Do we care more about reducing the size of the Office of the Secretary of Defense or the safety of our troops? I firmly believe that if this provision of the Defense Authorization Act is not removed, Congress will be putting countless lives at risk in the name of reducing a handful of billets.

To do just that as we are sending our troops to Bosnia seems to me to be all the more dangerous. Just yesterday, I read in the New York Times that our forces deploying in the Balkans will be equipped with an array of new technologies that have never been tested in combat. Could we imagine sending our

troops to battle with equipment that we have not made the fullest effort to subject to operationally realistic testing?

Mr. President, I urge the conferees of the Defense Authorization Act to remove the provisions eliminating the Office of Operational Test and Evaluation. If they are unable to remove that provision, I will encourage my colleagues in the Senate to vote against the authorization bill. The safety of our servicemen and women requires our full support.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD] is recognized.

Mr. FEINGOLD. Mr. President, I rise today to make a brief statement about Senator KASSEBAUM which I know she prefers I wouldn't, but which she will have to endure as a price of her retirement. It is, of course, a statement of tribute to her service in the U.S. Senate, and an expression of deep personal regret that she has decided to retire.

Many of my colleagues and the major papers are rightfully highlighting Senator KASSEBAUM's legislative accomplishments and her many courageous, nonpartisan positions. But I want to focus my comments on her role in United States-Africa relations. I have had the immense pleasure of working with her in the past year as the ranking member on the Subcommittee on African Affairs, of which she has been an active member since 1981, and of course now chairs. For me, Senator KASSEBAUM's deep commitment, genuine expertise, and tremendous leadership on Africa have been one of the most inspiring influences I have had while in the Senate.

In many ways, the fact that she chose Africa as one of her specializations says so much about what kind of legislator she is. As our colleague from Illinois, Senator SIMON, often reminds us, though well-known and admired in Africa, Senator KASSEBAUM surely got few votes in Kansas for advocating Africa's interests. It certainly is not glamorous to travel to many of the places in Africa she has visited. And she certainly does not get the limelight often accorded foreign policy experts as a leader on United States-Africa issues. However, she has made a commitment to the region because it is the right thing to do: because there are complex issues in Africa that call out for American attention, and there have been too few voices in Congress that have cared about the United States-Africa relationship. She has grappled with the difficult issues, such as the genocide in Rwanda, the failing transition to democracy in Nigeria, the small window of opportunity to consolidate peace in Liberia, the reconstruction of Angola, the tragedy in Sudan, and so much more. Senator KASSEBAUM can always be counted on to address these issues, and then to work persistently to shape intelligent and active U.S. policies. This commitment exemplifies the principle, integrity, and keen sense of responsibility that have characterized her entire career.

But Senator KASSEBAUM also stands out for her bipartisan—even nonpartisan—approach. While working wonderfully as a team player, she also has the strength to be independent when her principles are at stake. That is one of the reasons she has been so effective. For example, in 1986 Senator KASSEBAUM broke with a Republican President and led the vote to impose sanctions on the racist apartheid regime of South Africa. This, of course, was the defining moment that changed United States policy from constructive engagement to isolation of the regime, which eventually brought down apartheid, and gave birth to majority rule in South Africa.

She has presided over our subcommittee in the same nonpartisan manner. While the Foreign Relations Committee may seem entangled in bitter partisan battles, the Subcommittee on African Affairs has functioned actively and smoothly under Senator KASSEBAUM's leadership, demonstrating what bipartisanship can accomplish when reason prevails and pettiness and politics are set aside. For me, it has been a wonderful opportunity to learn about Africa, and I think it has also enabled the subcommittee to do its job as a policymaker. Senator KASSEBAUM has given me faith that in spite of all the rancor and partisan bickering, it is still possible in the Senate to reach across the aisle and work together.

These are some of the attributes that have made Senator KASSEBAUM a great Senator. But she is also a joy to work with because she is such a delightful and gracious person. As much as I enjoy the subject matter, I think her kindness and dedication have helped sustain my active interest in Africa, and make it an enjoyable experience.

It will certainly be a more lonely process without her. Mr. President, I will value the next several months, working with her and learning from her. I will sorely miss her in the next session.

I yield the floor.

OPERATIONAL TEST AND EVALUATION

Mr. PRYOR. Mr. President, today, I rise in the Senate to voice my very strong opposition to the actions being considered by the House Senate conference committee on the Defense authorization bill.

Mr. President, I have been informed, with some of my colleagues, and I am very sorry I did not get to listen to all of the remarks of my good friend and colleague and partner in this issue, Senator ROTH of Delaware, we have been informed that the conference committee is now considering turning back the clock on 12 years of progress in the war against $600 hammers, $1,000 toilet seats, guns that do not shoot, bombs that do not explode, and planes that do not fly. I believe what is at stake are the lives of our men and women who serve this country in the Armed Forces.

Mr. President, I am speaking today of the very useful and most critical role of the Office of the Director of Operational Test and Evaluation in the Pentagon and the effort underway in the conference committee to totally annihilate and to eliminate this office.

As I address the Senate this afternoon, the conference committee on the DOD authorization bill is now deliberating over whether to repeal the bipartisan legislation written by myself, along in 1983 with Senator ROTH, Senator KASSEBAUM, Senator GRASSLEY, and others, that created the independent weapons testing office.

This legislation this is now known as section 139 of title X establishes the Operational Testing Office that currently Mr. President, oversees, evaluates, and reports on the results of tests conducted on our new military hardware.

This Office was designed to report directly to the Secretary of Defense with this independent assessment of the weapons being tested, procurement, and combat use. The job of this Office has been to help make good weapons better and to help keep weapons that do not work out of the hands of our soldiers and sailors.

It has saved the taxpayers billions of dollars by exposing many troubled systems before they become costly dinosaurs and disasters. The ultimate contribution, I think, of the Operational Testing Office has been the lives it has saved by helping to ensure that our Armed Forces are not sent into combat with weapons that are faulty and do not work and will fail in an operational environment.

Support for this Office, Mr. President, has always been bipartisan. For example, former Defense Secretary Dick Cheney said that the independent weapons testing ''saved more lives'' during Operation Desert Storm than perhaps any other single initiative. Current Defense Secretary William Perry has recently described this Office as ''The conscience of the acquisition process.''

Earlier this year, I was extremely shocked to learn that the House National Security Committee recommended repealing section 139 of title X, thereby eliminating this Office.

Because of what we consider to be a very irresponsible initiative in the House of Representatives, Senator ROTH and myself sponsored a bipartisan sense-of-the-Senate resolution voicing the Senate's full support for the Testing Office and our strong objection to repealing its charter. This resolution passed the Senate unanimously during consideration of the defense authorization bill in August in 1995.

We were recently notified that the conference committee apparently is disregarding the sense-of-the-Senate

resolution by refusing to remove from its conference report the language that would kill operational weapons testing in the Pentagon.

This news is disheartening, indeed, Mr. President. Repealing the law that established independent weapons testing would be an irresponsible, unthinkable course, and dangerously shortsighted. If this Office's charter is revoked, countless American lives will be at risk. Furthermore, the entire system by which we acquire new weapons will be pushed back to the dark ages. We will undoubtedly be bringing back the unthinkable conflict of interest of the students grading their own exams, when it comes to evaluating the results of critical weapons testing.

Last Friday, after learning that the Testing Office was, indeed, in jeopardy and in danger of being eliminated, Senator ROTH, Senator GRASSLEY and myself sent a letter to Chairman THURMOND and to Chairman SPENCE, expressing our outrage over the apparent desire to repeal section 139 of title X. In this letter, Mr. President, we call on the conferees to maintain our legislation that created the Operational Testing Office.

Mr. President, I ask unanimous consent that a copy of this letter that we sent to Chairman THURMOND and to Chairman SPENCE be printed in the RECORD directly following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. I gladly join my good friends from the other side of the aisle in voting our strong bipartisan support for independent weapons testing. This Office has always enjoyed support from each side of the aisle. I hope it always will. It was created in this spirit. I certainly hope that it does not die under a cloud of partisanship.

I would like my views to be known clearly and publicly before the conferees conclude their deliberations on the Defense authorization bill. I know they will take heed of the remarks of my colleague and good friend, Senator ROTH, who just delivered his eloquent speech on the floor of the Senate with regard to this issue.

If this conference report comes to the Senate, Mr. President, with language that revokes the charter of our weapons testing office, I will strongly oppose the conference report and I will ask it be rejected by the entire U.S. Senate.

As we prepare to send American troops into Bosnia, it would be wrong—absolutely, totally wrong—to eliminate the most important checks and balances in the military procurement chain that has proven to save time, money, and most importantly, the lives of our fighting forces. The American taxpayers, the American men and women in uniform, deserve much better.

I thank the Chair for recognizing me. I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, December 1, 1995.

Hon. STROM THURMOND,
Chairman, Senate Armed Services Committee, SR 228, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to voice our strenuous objection to an action the defense authorization conference committee is considering that would jeopardize independent operational and live-fire weapons testing in the Department of Defense. We believe that what is at stake are the lives of our men and women who serve in the armed forces.

As you know, the conference committee is currently discussing various measures to streamline the Office of the Secretary of Defense (OSD). We are aware that the conference committee is considering repealing section 139 of Title 10. Repealing Section 139 would eliminate the authority of the Director, Operational Test and Evaluation (DOT&E) to oversee, evaluate, and report on the operational worth of weapons prior to their production and procurement by the U.S. government.

The DOT&E office was created 12 years ago with strong bipartisan support. Its existence has been critical to Congressional and Pentagon efforts to promote a ''fly-before-you-buy'' approach to the multi-billion dollar arena of military acquisitions.

Section 139 of Title 10 is the foundation upon which this important contribution to DOD procurement is based. Since its enactment, this provision has saved time, money, and most importantly, the lives of our soldiers and sailors who must rely on tested, proven weapons. We truly believe that any decision by the conference committee to repeal section 139 would result in many unintended consequences.

Eliminating this office would not eliminate the requirement to conduct testing under realistic operational conditions. However, it would raise the question as to who would be responsible for approving test plans and for providing independent evaluations of testing. This uncertainty would be costly indeed.

We appreciate the conferees' desire to streamline the Office of the Secretary of Defense. However, the Federal Acquisition Streamlining Act recently enacted by Congress merged live-fire testing with the operational testing function. Thus, independent testing oversight has already been streamlined. Furthermore, the DOT&E office is already one of the smallest in the Pentagon bureaucracy.

This directorate has proven itself as one of the most important checks and balances in the DOD procurement system. Its value has been lauded by our two most recent Secretaries of Defense. After Operation Desert Storm, former Defense Secretary Dick Cheney said that the vigorous, independent testing oversight put in place by Congress ''saved more lives'' than perhaps any other single initiative. Current Defense Secretary Perry recently described the DOT&E as ''the conscience of the acquisition process.''

In August, the U.S. Senate unanimously approved a Sense of the Senate resolution that stated clearly the Senate's opposition to repealing section 139 of Title 10. We continue to believe that repealing the law that guides independent weapons testing is wrong and dangerously shortsighted.

Clearly the question facing Congress is do we care more about reducing the size of OSD or protecting the lives of our service men and women. We firmly believe that if the provisions repealing section 139 are not removed, Congress will be putting countless lives at risk in the name of reducing a handful of billets.

We urge you to continue the bipartisan Congressional support for independent testing by deleting from your conference report any provisions that would repeal section 139 of Title 10.

Thank you for your consideration of this urgent matter.

Sincerely,

WILLIAM V. ROTH, Jr.
CHARLES E. GRASSLEY.
DAVID PRYOR.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. BINGAMAN. Mr. President, I wanted to just add some information for my colleagues about some of the ambassadors that I have been discussing this morning and so far today about the qualifications of these people. These are individuals that have been nominated by the President. There are 18 of them that are presently pending in the Foreign Relations Committee. They are an outstanding group of nominees.

I was just provided with more detailed information about what they have been doing in their careers and why they are considered by the President to be qualified for these important positions. So I thought I would go through some of that information so that any Senator who has a doubt about the qualifications of any nominee would hopefully have that doubt put to rest. I do not know many of these people myself, but I would like to at least put in the RECORD the information about them.

Mr. President, going down the list, the President's nominee to Sri Lanka is Mr. Peter Burleigh, who is presently the Deputy Assistant Secretary of State for Personnel. He is a career appointee in the Department of State. He has been with the Department of State now for some substantial period of time. He was a Peace Corps volunteer before that. He has a very distinguished résumé which we will include in the RECORD.

The second of these nominees is the President's nominee for APEC, Asia-Pacific Economic Cooperation. This person, Sandra Kristoff, is now the coordinator in that position, and she is being nominated by the President for the rank of Ambassador in that same position—again, a very distinguished career of involvement in foreign policy and trade related issues.

The third on this list is John Malott, who has been nominated by the President as the Ambassador to Malaysia.

He is presently the senior adviser to the Under Secretary of State for Economic, Business and Agricultural Affairs. He is a career member of the Senior Foreign Service at the class of minister-counsellor, clearly a very distinguished and recognized public servant in our diplomatic corps.

Next is Mr. Kenneth Quinn, Kenneth Michael Quinn, who has been nominated by the President to the position of Ambassador to Cambodia. He is presently a special project officer for the Bureau of East Asian and Pacific Affairs in the Department of State—again, a career of foreign service, class of minister-counsellor.

I would just point out parenthetically here, Mr. President, that I can remember years in which we had great debates on the Senate floor expressing concerns about the political nature of the appointments being made by one or another President to some ambassadorial positions. In this group of 18, all but 4 of the 18 are career Foreign Service officers, have devoted their entire career to working in our diplomatic corps, and the four who are not career Foreign Service officers I think are recognized by all to be well qualified to take important positions like this.

After the Ambassador to Cambodia is Mr. William Itoh, the President's appointee as Ambassador to the Kingdom of Thailand, presently a student in the Capstone Program at the National Defense University—again, a career member of the Senior Foreign Service with the class of counsellor.

Next is a gentleman I referred to in my statement this morning, Mr. Stapleton Roy, who has been nominated by the President as Ambassador to the Republic of Indonesia. He again is a career member of the Senior Foreign Service, class of career minister. I would point out that he was born in China. He has spent much of his life in the Far East and China in particular. He is extremely well recognized as an expert on that part of the world and has served our country extremely well in important positions including Ambassador to China. He now, of course, is being considered for this other very important position for which I hope we can confirm him.

The next after Mr. Roy is Thomas Simons, Jr., who is nominated by the President as the Ambassador to Pakistan. He is presently the Coordinator of U.S. Assistance for the New Independent States. His Foreign Service grade is career member of the Senior Foreign Service, a career diplomat, as many of these nominees are, and somebody who clearly has earned the respect and confidence of the President.

Next is Frances Cook, who has been nominated by the President to be the Ambassador to Oman, presently the Deputy Assistant Secretary of State for Political Military Affairs—again, a career member of the Senior Foreign Service.

Next is Richard Henry Jones, who has been nominated by the President as Ambassador to Lebanon. And again we have a person who at the present time serves as Director of the Office of Egyptian Affairs in the Department of State, a career member of the Senior Foreign Service with a class of counsellor.

Next is James Collins. Mr. Collins has been nominated by the President as Ambassador-at-Large and Special Adviser to the Secretary of State for the New Independent States, and again a career member of the Senior Foreign Service with the class of minister-counsellor, also a very distinguished career which I think well equips him for that position.

Next is Charles Twining, who has been nominated by the President as Ambassador to the Republic of Cameroon, presently the Ambassador to Cambodia, a career member of the Senior Foreign Service with the class of minister-counsellor—again, a very distinguished public servant in our diplomatic corps.

Next is James Joseph. The President has nominated James Joseph as Ambassador to the Republic of South Africa. He presently is the president of the Council on Foundations and has a very distinguished career in a great many different areas, but obviously has the President's confidence.

Next is Joan Plaisted. Joan Plaisted is the President's nominee as Ambassador to the Republic of the Marshall Islands, now presently serving as Director of the Office of Thailand and Burma Affairs in the Department of State, another career member in the Senior Foreign Service with the class of counsellor.

Next is Don Gevirtz, who has been nominated as Ambassador to the Republic of Fiji, to the Republic of Nauru, to the Kingdom of Tonga and Tuvalu—again, a very distinguished individual whose present position is chairman of the board and chief executive officer the Foothill Group, Inc., in California.

Next is our own former colleague, Senator Jim Sasser, who is presently an attorney here in the District of Columbia as well as in Nashville, TN, earlier this year was a fellow of Harvard University and is now, of course, the President's nominee as Ambassador to Beijing. And I think all of us who have served with him would agree that he will perform in an exemplary fashion in that position as he would in any position for which the President would nominate him.

Next is David Rawson, whom the President has nominated as Ambassador to the Republic of Mali, presently the Ambassador to the Republic of Rwanda, a career member of the Senior Foreign Service, class of counselor; again, a very distinguished career in our diplomatic service.

Next is Robert Gribbon, who has been nominated by the President as Ambassador to the Republic of Rwanda. His present position is Ambassador to the Central African Republic, another career member of the Senior Foreign Service, with the class of counselor; a very distinguished career, formerly a Peace Corps volunteer in Kenya.

Finally, Gerald Wesley Scott, who has been nominated by the President as the Ambassador to the Republic of the Gambia. He is presently the Deputy Chief of Mission in Zaire and in the American Embassy in Kinshasa, Zaire, another career member of the Senior Foreign Service with the class of counselor.

Mr. President, I have gone through this list and given a little information about each of these individuals just to make the point that this is not some kind of political effort on my part or on the President's part or anybody to get these people in these new positions.

These people have devoted their careers, their entire professional lives, to serving this country in often very difficult circumstances. They have been chosen by the President to serve in these important positions, and we owe it to them as well as to those people we represent in our home States to get on with approving their nominations so that they can continue to represent this country in those important positions.

That is the list of ambassadors that are presently being held up in the Foreign Relations Committee. I hope very much that we will be able to get an agreement here today, or very soon, to have all of those nominees reported to the Senate floor and have a vote on those nominees as well as on START II before we adjourn this session of the Congress. I think that would be a very major accomplishment and something that would allow us to feel we had done our duty under the Constitution, which I think is certainly what all of us are intending to do. So with that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Thank you, Mr. President.

UNITED STATES TROOPS IN BOSNIA

Mr. THOMAS. Mr. President, I rise to talk about an issue that all of us are concerned about and all of us are thinking about, and that is the President's policy to put United States troops on the ground in Bosnia.

First, let me make it clear that I am opposed to that idea. I had an opportunity about 5 weeks ago to go to Sarajevo along with some other of my associates here. We went to Stuttgart in

Germany and visited for a day with the supreme commander there. I was impressed by the preparation, by the way, of our military, as always. I am sure they will be able to carry out whatever mission is assigned to them.

We spent some time in Croatia talking particularly to the Defense Minister there in terms of the Croatians' activities and their concerns. We spent a portion of our time in Sarajevo where we visited with the President of Bosnia, had a chance to talk with the U.N. commander there, and also spent some time coming back through Brussels in Belgium, and spent some time with the NATO commander and all 16 of the Ambassadors that were there.

Certainly, I am not an expert in the field, having been there just a few days, but I have to tell you that you do get a sense, you do get a sense from being there as to what the feelings are, a sense that, as you would imagine, those people are tired of fighting and looking for some resolution. You get a feeling, also, however, that there is not a willingness to give up some of the positions that people have taken and will maintain, antagonistic positions and conflicts that are very long lasting and have been there for hundreds of years.

So, Mr. President, I came back having not changed my opinion. I do think we need to continue to be involved. I think we have had an excellent representation there in terms of the negotiation. I congratulate the negotiators. We met yesterday with Secretary Holbrooke. But I was no more convinced of the responsibility to have 20,000 or 30,000 troops on the ground there and of our chances of coming away in the period of time, as described by the President, of 1 year, or that the solution is any better than it was before.

Let me say, however, that we are going to have differences of view here. I hope we have an extended discussion of the issue here on the floor. I think everyone who comes forward will honestly have their views—and I do not impugn anyone's motives as to why they are where they are.

Let me comment on a number of things that have concerned me. One is the process and the process of involving American citizens, through their Congress, through their elected representatives, in this decision. And I have to tell you that it is my observation that the Congress has essentially been co-opted in this decision.

It started some 2 years ago when the President, for whatever the reason, indicated that he would place 25,000 troops in Bosnia, at that time mostly to remove the U.N. forces if that was necessary. So that was the first indication why it was 25,000. Why it was not 20,000, why it was not 40,000, why it was not 10,000, I am not sure. No one has ever been able to tell us that.

So, then not much happened, and the Congress then passed resolutions saying we ought to lift the arms embargo on the Moslems. However, that was not pushed by the administration. That was not something that the administration worked hard to encourage. But shortly thereafter, I think it did cause some action. Shortly thereafter, the United States then moved to get NATO to do some airstrikes, which tended to bring together then the Croatians and the Moslems to a federation that sort of equalized, began to equalize the forces there, and so we saw a change, I think prompted, at least partially, by the action of this Congress to recommend that we lift the arms embargo.

So then we saw some effort to come to a peace agreement. When I was there, there was just recently installed a cease-fire. I think it was the 31st cease-fire, however. Nevertheless, it was an effort to do that. Then we moved toward the peace agreement and a meeting in Dayton, OH, or wherever, to do that. So the administration said, gosh, we cannot really talk to you about what is in the wind here because we are having a peace conference and it would disrupt the peace conference.

We had a number of hearings, and we did not get too much information, because they said we cannot do that. So then, for whatever commitment there is to it, there was a peace agreement initialed in Ohio. I am glad there was and I congratulate those who helped bring it about. No one is certain what it means and how much commitment there is to it. Then we are told by the administration, ''Well, we have a peace arrangement now. We can't really talk to you much because we can't change that.''

The next thing we knew, the President was in Europe on a peace mission talking to a number of countries, including NATO and European countries, saying, ''We are willing to bring these troops in.'' Of course, it was received with a great deal of enthusiasm. Who would not? If we agreed to do most of the heavy lifting, you would imagine that.

So then following that comes the commitment for troops, and some preliminary troops are there now.

Mr. President—and I asked this question of the Secretary of State and the Secretary of Defense in a hearing last week—what is the role of Congress? I did not get an answer, other than provide the money. I do not think that is appropriate.

I do not want to get into the great discussions of the constitutionality of the President's authority. There is disagreement about that. I do not happen to think the President has unlimited authority because he is named Commander in Chief in the Constitution.

Nevertheless, there must be a role here for the Congress. I think it has been handled very poorly, frankly, in terms of some involvement and commitment.

It seems to me—and I am sorry for this—it seems to me the administration is more in the posture of defending their decision and winning the argument than really talking about the substance of why we should, in fact, be in Bosnia. We can talk about details, and that is what we hear, all the details of how we are going to train, how we are going to move, all these things, but the real issue is not the details, as important as they may be. The real issue is, why are we there and what is the rationale and reason and the vital American interests for us to be there.

We hear some saying, ''Well, we're going to put troops in harm's way.'' Of course, no one wants to put troops in harm's way. On the other hand, that is what troops are for. The question is not are they in harm's way, the question is, is there a good reason and rationale for them being in harm's way?

We hear, ''If they don't go, there will not be any peace.'' I am not sure that is true.

Until these warring parties are prepared, genuinely, to have peace, I suspect there will not be peace. We are told, and I think sincerely, that we are there to keep peace, not to make peace. There is a little different term this time, it is called enforce peace, which is a bit hard to define. But when we asked the question, what do we do when there is an organized military resistance to the U.S. forces that are there, NATO forces, the answer was, ''Well, we're not there to fight a war, we're not there to fight, we are there to keep and enforce the peace.'' We were led to believe we probably would withdraw.

So, Mr. President, it is awfully hard to know. Some say, ''Well, we have to have leadership, we're isolationists.'' I do not believe for 1 second that anyone can think of this country, the things we are involved in both in security and trade, that would cause anyone to suggest this country is isolationist. That is ridiculous.

Some say, ''Well, NATO will dissolve without us.'' I do not believe that. NATO was designed, of course, to bring together the North Atlantic nations to resist the Soviet Union, and they still have a mission, certainly. Although I must tell you, having been there, I think there is some search for a mission going on. NATO will continue to exist; NATO has a legitimate purpose. I do not know whether its purpose is to quell civil wars within Europe.

So, Mr. President, we are in a sticky wicket here, and I guess the stickiest thing—and I, frankly, did not get a chance to ask the Secretary yesterday—is, what is our policy in the future, what is our position going to be with regard to our role in civil disturbances, our role in civil wars, our role in ethnic disturbances throughout the world, and there have been a number and there will continue to be.

Is our role to place troops and keep the peace, enforce the peace? I do not know the answer. But we will have to make a decision with respect to policy, so that we know where we are, what people can expect from us. We want to be a leader in the world; we will be, we

should be, we are the superpower. People should have, however, a reason to anticipate that our position will be based on policy.

Mr. President, I think we find ourselves in a very difficult position, one in which honest people can disagree. I happen to believe it is a mistake for us to put U.S. troops on the ground there, a mistake in terms of policy, a mistake in terms of alternatives. There are alternatives. It is not that or nothing.

We can continue to be involved with diplomacy. We can continue to support NATO. We can give other kinds of support there. It is a question of what happens when we leave. What do we do to ensure that having spent whatever it is—I suspect even though the administration says $1.5 billion, maybe plus $600 million in nation building, a little over $2 billion, I would be willing to bet you that is not right. We spent nearly that much in Haiti, and this place will be three times as expensive.

So the question is, what is the basis, what is the rationale for that kind of commitment? I hope we have an opportunity to discuss it soon. I had hoped we would this week. Apparently, it will be next week. We ought to keep in mind the mass troop movement has not taken place. We have some folks in there, some troops in there early to prepare, but the troops are not there. We still need to make a decision. We still need to say to the President, if that is what we believe, that we think this is the wrong decision. No one here, however, will resist supporting troops once they are there. We are not talking about that at this point; we are talking about the decision to be there. It is a tough one. We should face up to it, come to the snubbing post and make decisions. I am sorry we have not made them before now. We shall. It is our responsibility.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa, Mr. GRASSLEY, is recognized.

OPERATIONAL TESTING AND EVALUATION

Mr. GRASSLEY. Mr. President, I want to address the Senate for just maybe 3 or 4 minutes, 5 or 6 at the most, on something that Senator PRYOR and Senator ROTH have already addressed, something that we three have worked on over quite a few years. It deals with a matter of defense and an operation within defense that is going to make sure that we get the most money for our defense dollar and to make sure that a weapon system that we are producing is effective and safe.

Mr. President, I am amazed that I have to stand before you to say what I am about to say. I never thought I would have to rise to speak out to defend this program. But, then again, I continue to be astonished by the shortsighted and misguided actions of so many people in this town.

Nearly 12 years ago, there was a bipartisan effort to create the Office of Operational Test and Evaluation [OT&E] at the Department of Defense. OT&E was created in response to a very simple idea: We should not spend billions of dollars of the taxpayers money before we know that a weapons works and will be safe and effective for our men and women in uniform.

The OT&E Office has been an unqualified success. It has saved the taxpayers billions. The cancellation of that boondoggle, the Sgt. York [DIVAD] antiaircraft weapon, was due in part to the work of OT&E. Cancelling the DIVAD saved the taxpayers billions. More important, it ensured we didn't give our soldiers poor, unsafe equipment.

But far more important, OT&E has saved lives. There is no question that the modifications made to the Bradley fighting vehicle to enhance its survivability ensured that many young soldiers came home from the Persian Gulf.

Former Defense Secretary Dick Cheney said that the vigorous, independent testing oversight put in place with the creation of OT&E by Congress saved more lives than perhaps any other single initiative.

Now, what is our response to these accolades? To these successes? Why of course, we get rid of it. Incredibly this is actually being proposed right now by the DOD authorization conferees.

OT&E asks the tough questions on weapons effectiveness, and it looks closely at the answers. It does this independent of the services and the procurement bureaucracy at the Pentagon. So why would we want to eliminate this important check and balance?

Simply put, OT&E is a vital check in ensuring that the taxpayers get the best bang for the buck and that the safety of our troops is the top priority.

The people who are clamoring to get rid of OT&E are upset because OT&E is a roadblock to their top priority: ripping the money sacks open at both ends, and pitchforking dollars to defense contractors as quickly as possible.

These are people who must believe DOD exists merely as an expressway to pad the coffers of contractors. And they want to get rid of this small speed bump, the Office of Operational Test and Evaluation, because it slows down the flow of money.

Mr. President, I am particularly saddened that this is happening under a Republican Congress. I have been assured by Republican House leaders that Pentagon reform is around the corner, even though in the DOD authorization bill we are throwing more money at the Pentagon. But I must say, if this is their idea of reform, they'll have an unexpected battle on their flank. And I'll be leading the charge once again, just as I did in the mid-1980's. And we will win again.

House Republicans say they want to reform the Pentagon so much that it will become a triangle. This action undermines any claims by Republicans in the Congress that they are for reforming the Pentagon.

I am very fearful that this Congress has badly confused its principles. Being for a strong defense means ensuring that our troops get the safest and most effective weapons for our troops. It does not mean ensuring only a steady and increasing cash flow for defense contractors.

And let me say, while the actions of the Congress are inexcusable, the administration's actions are no better.

We have heard not a word from the administration about the elimination of OT&E. How the administration, in the middle of sending our troops into Bosnia, can sit idly by and say and do nothing while OT&E is being eliminated is beyond comprehension. What kind of signal does that send to our troops?

Mr. President, as I said at the beginning of my speech, I am astonished that I am standing on the Senate floor having to debate this issue. This is a sad day for the taxpayers and even a sadder day for our troops.

I strongly hope the conferees will reconsider this disastrous proposal and not bring the DOD authorization bill to the floor until it is resolved.

I also wish to commend my colleagues, Senator ROTH and Senator PRYOR, for their staunch support for this office, both at its creation, and especially now. Their eloquent speeches on this floor earlier today speak to their leadership on this issue. And I would like to add my support to their effort to give our troops the very best equipment for their safety.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. THURMOND. Mr. President, it is unfortunate that the Democrats will not let us get beyond the motion to proceed on Senate Joint Resolution 31, the proposed constitutional amendment to grant power to the Congress and the States, the power to prohibit the physical desecration of the flag of the United States. This is an important issue which should be submitted to the American people in the form of a proposed constitutional amendment.

Mr. President, today we begin consideration of Senate Joint Resolution 31, a proposed constitutional amendment authorizing the Congress and the States to prohibit the physical desecration of the American flag. I am pleased

to be an original cosponsor of this proposal.

In June of 1989, the Supreme Court issued a ruling in Texas versus Johnson which allows the contemptuous burning of the American flag. Immediately after that ruling, I drafted and introduced a proposed constitutional amendment to overturn the unfortunate decision.

After bipartisan discussions with Members of the Senate and President Bush, the Senate voted on a similar proposal which I cosponsored. During this time, the Supreme Court ruled in United States versus Eichman that a Federal statute designed to protect the flag from physical desecration was unconstitutional. The Texas decision had involved a State statute designed to protect the flag.

On June 26, 1990, the Senate voted 58–42 for the proposed constitutional amendment, nine votes short of the two-thirds needed for congressional approval.

Opponents of this proposed amendment claimed it was an infringement on the free speech clause of the first amendment. However, the first amendment has never been construed as protecting any and all means of expressive conduct. Just as we are not allowed to falsely shout fire in a crowded theater or obscenities on a street corner as a means of expression, I firmly believe that physically desecrating the American flag is highly offensive conduct and should not be allowed.

The opponents of our proposal to protect the American flag have misinterpreted its application to the right of free speech. Former Chief Justice Warren, Justices Black and Fortas are known for their tenacious defense of first amendment principles. Yet, they all unequivocally stated that the first amendment did not protect the physical desecration of the American flag. In Street versus New York, Chief Justice Warren stated, ''I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace.''

In this same case, Justice Black, who described himself as a first amendment ''absolutist'' stated, ''It passes my belief that anything in the Constitution bars a State from making the deliberate burning of the American flag an offense.''

Mr. President, the American people treasure the free speech protections afforded under the first amendment and are very tolerant of differing opinions and expressions. Yet, there are certain acts of public behavior which are so offensive that they fall outside the protection of the first amendment. I firmly believe that flag burning falls in this category and should not be protected as a form of speech. The American people should be allowed to prohibit this objectionable and offensive conduct.

It is our intention with this proposed constitutional amendment to establish a national policy to protect the American flag from contemptuous desecration. The American people look upon the flag as our most recognizable and revered symbol of democracy which has endured throughout our history.

I urge my colleagues to join the sponsors and cosponsors of this proposed constitutional amendment to protect our most cherished symbol of democracy. By adopting this proposal, we can submit this important question to the American people to decide if they believe that the flag is worthy of constitutional protection.

I yield the floor.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, first let me commend my distinguished colleague from New Mexico, Senator BINGAMAN, for objecting to the motion to proceed to the constitutional amendment on flag desecration until roughly 18 ambassadors' nominations which are being held up are released. We all, around here, do what we feel we have to do to make a point. But we have extremely important ambassadorial posts going unfilled because of a dispute over a totally different item.

I suppose it is that old saw ''the wheel that squeaks the loudest gets greased,'' is true, and I am not criticizing the Senator from North Carolina personally. He has a right to do whatever he wants to do. All I am saying is I do not believe the country's interests are being well served when someone like our distinguished former colleague, Senator Sasser, is prohibited from taking his post in China where we so desperately need representation, at this time especially.

So, I hope the Senator from New Mexico will stand fast on it. I will do my best to help him with it. That is one logjam that needs to be broken.

Mr. President, what I came to the floor to speak about is the proposed constitutional amendment dealing with flag desecration. I have voted on that a number of times since I have been in the Senate, have steadfastly opposed it every time it has been offered, and I will oppose it again today.

When I think of the real problems of this Nation right now, and find this body dealing with this particular issue at this time, I am appalled. Motorola wants to build a big new facility and hire lots of people. They have elected to stay in this country and not go to Malaysia, and the only criterion they ask is that the applicants have a seventh grade knowledge of math, a fifth grade knowledge of English, and 50 percent of the applicants cannot meet that standard. The President of IBM says they spend $3 billion a year on remedial education. And you only need to look at the annual survey of high school seniors' heroes in this country to understand what they are learning about history, particularly the history of this country.

So what are we doing? We are doing two things. No. 1, we are cutting education dramatically. Somewhere between 500,000 and a million youngsters will not get a college education under the budget reconciliation bill as it now stands. Those programs are going to be savaged.

I saw a bumper strip yesterday. I told my wife about it last night. She said she had seen it years ago. It said,

> I will be glad when the schools of this country and our children get the money they need, and the Pentagon has to hold a bake sale to buy a bomber.

I have said many times, as I did during the debate on the space station, if you take the money you are putting in the space station and put it in education, I promise you the dividends will be 10 times greater. You take the $7 billion in the defense bill in excess of what the Pentagon asked for and put it in education, and I promise you your chances for peace are exponentially better.

So here we are, as the Atlanta Constitution said, with a resolution searching for a problem. We are not here to deal with the real or even an imagined problem. Everybody here in this body knows that this is pure, sheer politics, with four flag burnings last year, and none this year. And we are going to tinker with the first amendment, with our cherished Bill of Rights, a document which we in good common sense have not seen fit to change one letter in 206 years?

Where does this stuff come from? Why do people forever want to tinker with the most sacred document we know next to the Holy Bible? The people of the country show a great deal more common sense and respect for the Constitution than the Members of Congress do. In 206 years we have amended the Constitution only 27 times, 25 times when we consider the passage and repeal of Prohibition.

Would you like to take a guess, Mr. President, at how many resolutions have been introduced in the Congress to amend the Constitution? More than 10,000. You think of it. So, thank God for the American people in their infinite wisdom. Otherwise, we would have 10,000 changes in the Constitution of the United States. Happily, most people who offer resolutions here to amend the Constitution will issue a press release, beat themselves on the chest about how patriotic they are and how representative they are of the people back home, and that is the last you ever hear of it.

At the risk of sounding slightly arrogant, the most neglected duty that a legislator is to be an educator. If you are not capable of going before a town

hall meeting and saying, yes, I voted against that bill and here is why, if you cannot stand for reelection and let the people decide if you really represent their views and the best interests of the Nation, if you are not willing to let them ask, ''Does the fact that he voted against the flag amendment mean he is not patriotic?,'' then you shouldn't be here. Does that apply to our distinguished colleague from Nebraska, BOB KERREY, a Congressional Medal of Honor winner, who lost a leg in Vietnam, who has said the revulsion we feel for somebody who would desecrate our flag is all we need to protect the flag? As long as 99.9 percent of the people of this country are repulsed and find flag desecration repugnant, why do you want to change the first amendment?

Let me repeat, Mr. President. The Bill of Rights is the most important part of the Constitution of the United States and the first amendment is first for a reason. That is what gives us our freedom of religion, freedom of speech, and freedom of press. And, Lord knows, I have trouble with that sometimes, but I wouldn't change it.

I will tell you what the problem is. The problem is going home and facing our constituents. Who wants to go home and say, ''Yes, I voted against the defense budget?,'' knowing his next opponent will have a 30-second spot saying he is soft on defense, or he is not patriotic? It takes a little courage around here. Courage is in very short supply.

I know of one Senator, I will not name him, who is laying his political future on the line because he comes from a very conservative State, who has taken a stand against this amendment. Is that sort of courage not, after all, what the American people want? When somebody comes up to me on the streets of the towns and cities of my State and says, ''Why don't you guys screw up your nerve and do something courageous for a change?'', do you know how that translates? I will tell you exactly. What they are saying is, ''Why are you afraid to do something that is unpopular?'' It does not take courage to always do the popular thing.

I do not denigrate the people of this country. But I know precisely how to vote, if I do not want to catch any flak when I go home. I would vote for that thing in a New York minute. But I just happen to believe in the Constitution. I consider it the document that is the glue that holds the fabric of this Nation together. And every time somebody says, well, I do not think you ought to spit on the flag, or burn the flag, or something else, I'm not ready to say, ''Let us amend the Constitution.'' I have said hundreds of times on the floor of this body in my 21 years here that when you start tinkering with the Constitution, I belong to the Wait Just a Minute Club.

Down in Arkansas in 1919 the legislature passed a law saying you cannot do this and that and the other to the flag. Essentially, you cannot show disrespect for the flag. In 1941, 6 months before Pearl Harbor, old Joe Johnson, who lived out in Saint Joe up in the Ozark Mountains, ran afoul of that law. I guess Saint Joe has maybe 300 people. The county seat was Marshall, AR. The woman who dispensed commodities to poor people at the courthouse had heard that there were a bunch of those Jehovah's Witnesses out at Saint Joe. Not only did they not believe like most good Christians, the Bible and their religious training was more important to them than the flag of the United States. Joe had a wife and eight children. And he goes into Marshall as he does on the first day of each month to get his commodities to feed his children.

Now, you have to understand Saint Joe in that era of 1941, you have to understand the unspeakable poverty the people of the mountains lived in. So Mrs. Who Shall Remain Nameless, even though it was 1941—I am sure she is long since departed—says to Joe Johnson, ''We hear you have been drawing commodities for kids you ain't got.'' Joe says, ''That's not true. I've got eight children. You're welcome to come out and see.'' She accepts that, and she says, ''We also understand that you belong to a sect called Jehovah's Witnesses.'' He said, ''That's correct.'' ''And we understand that you Jehovah's Witnesses don't respect our flag. And if you are going to draw commodities, I want you to stand up there and salute that flag.'' Joe says, ''I ain't going to do it. The Bible tells me that I don't salute any earthly thing except the Bible. That's my religious teaching.''

There were quite a few people in that office, and Joe went ahead to make a speech. And during the course of his speech somebody testified at his trial that he had touched the flag. That was enough to find him guilty of disrespecting Old Glory. So they fined Joe $50 and gave him 24 hours in jail. Then Joe took it to the Arkansas Supreme Court, and while it was on appeal, the Japanese bombed Pearl Harbor. So Joe's conviction was upheld on a vote of 6 to 1.

I remember well the Chief Justice of the Arkansas Supreme Court—his son was a very dear friend of mine—dissented. He dissented, saying you cannot have a law like this. You cannot say that Joe has to choose a flag over his religion. He cited Oliver Wendell Holmes that the country must fight every effort to check the expression of loathsome opinions, unless they so threaten the country they had to be stopped to save it.

''The fact remains,'' Justice Smith wrote, ''that we're engaged in a war not only of men, machines and materials but in a contest wherein liberty may be lost if we succumb to the ideologies of those who enforce obedience through fear and who would write loyalty with a bayonet. If ignorance were a legal crime, this judgment would be just,'' he said. ''The suspicions and hatreds of Salem have ceased. Neighbor no longer inveighs against neighbor through the fear of the evil eye.''

And the writer of this column says, ''The reasons for the misguided fears of 1942 are gone, but ignorance and intolerance are still with us.''

I do not know what happened to me last night. I woke up at 2 o'clock, and I could not go back to sleep. I could see it was a futile thing to try, so I went downstairs where there were three small books I had checked out of the Library of Congress on the Salem witchcraft trials and on witchcraft in general. I read until 4:30, and I am tired right now because I did not get enough sleep last night.

I started reading through the charges that used to be leveled long before Salem, back in the Middle Ages, and one thing I had not really thought about is that witchcraft trials were sexist. It was always the woman who was the witch. And a woman who lived to be 60 are 70 years old, might develop a haggard look. As we crossword puzzle junkies would say, she was a ''crone,'' and so the first thing you know, anybody who developed that sort of look was called a witch, riding a broom across the skies, if a child had a seizure in the community, she was very likely to be the first one accused of being a witch. In this little community of Salem Village in Massachusetts, in a 2-month period, 134 people are accused of being witches.

One of the books I was looking at last night had transcripts of the trial, believe it or not. Thirty-two were convicted, 19 either burned at the stake or hung. On what grounds? The testimony of 10-, 12-, 13-year-old children. We have not had witchcraft trials in this country since. This comes close.

I revere the flag. When I first came to the Senate, I went up in the Northeastern part of the country to one of the most prestigious universities in the country, and the rostrum was full. I guess they wanted to see what a new moderate Senator from the South looked like. The emcee got up and said, ''Let's all stand and say the Pledge of Allegiance.'' I would say that at least half of those kids refused to stand.

I was pretty shocked, Mr. President. But I got to reflecting on how I first went off to college and how anxious I was to prove my independence. My father and mother could not tell me what to do any more. If I did not want to get up and say the Pledge of Allegiance, that was my privilege.

I was insulted by it, and I did not like it. But I did not see anybody there I wanted to send to prison. Is that a legal crime? Why, of course, it is not. But I can tell you, I was offended by that, as I would be if somebody had walked out in front and spit on the flag.

Is this desecration anyway? Desecration comes from the Latin root, I guess, which means sacred.

So what is sacred? To some people the Bible is the only thing that is sacred. It was the only thing that was sacred to Joe Johnson. So people will come in here who do not any more believe in this amendment than a goon. And I hate to say this. There are a lot of Senators who will take you aside and deplore this amendment, and they will vote ''aye'' because they do not want to have to go home and talk to their constituents.

That is the risk you take. When I voted for the Panama Canal treaties, I was getting 3,000 calls a day against my position, and it has cost me dearly ever since. I do not mind telling you, if I had had a tough opponent in 1980, I would have probably been defeated. It was a very volatile issue. My pollster said in 1992 I still lost 3 percent of the vote because I voted for the Panama Canal treaties. It would have been so nice to have said no to that treaty.

I am not saying that history has vindicated that vote, but I will say this: I think Panama would be in absolute chaos right now if we had not done it. But there was also something called the Golden Rule involved in my vote on that.

So around here we vote for the flag amendment, we vote for an amendment to require prayer in school. I have noticed the Republicans, who thought term limits was the greatest thing since night baseball, they do not much like it anymore. I knew if they ever got control, term limits would die a fast death.

The line-item veto: I have never been for it; I will never be for it. We finally got it this year. What happens? Bill Clinton is in the White House, so we cannot even get the conferees appointed. Boy, if there ever was a time I might support the line-item veto, it would be right now. But I am not going to support it. I never have and I never will, because it is a bad idea. The Republicans do not like it either when Bill Clinton is in the White House.

Everybody runs on family values. Who wants to face a 30-second spot saying, ''He says he's for family values, but look how he voted on prayer in school, look how he voted on this, look how he voted on that.'' Everybody around here jumps under their desk every time one of these controversial issues comes up. Who wants to say, ''I'm not for that new star wars program''? And people come by and say, ''He doesn't even want to defend the people of this country against a missile attack.'' Oh, would that that were all there is to the issue.

Mr. President, if this amendment were adopted and we chose for the first time in 206 years to, in my opinion, sully the Constitution of the United States and the most sacred part of the Bill of Rights, it would not increase my patriotism any. I would not get goose bumps any more than I did at the Kennedy Center Sunday night. This magnificent orchestra played ''The Star Spangled Banner.'' I cannot stand the way I hear it sung most of the time. I am an old band man and marine, and I love the way the Marine Band plays ''The Star Spangled Banner.'' I wish everybody would play it that way and sing it that way.

At the Kennedy Center, this orchestra played ''The Star Spangled Banner,'' and one of the honorees was Marilyn Horne. There were a lot of other opera singers there, and they sang ''The Star Spangled Banner,'' and it just took the roof off. I promise you, all the people there had goose bumps. It was exhilarating and thrilling and exciting.

So if you had this flag amendment, do you think people there would have gotten any more goose bumps? You know what we do when we adopt this? We take a freedom away from people and create a class of political prisoners. We will imprison people.

You know what the amendment says. The amendment says the States and Congress may prohibit desecration of the flag. They will determine what desecration is. One State will charge you with a $15 misdemeanor fine; another State will give you the death penalty; another State pins a medal on you for it. What kind of nonsense are we into here? Every State would decide for itself a constitutional issue: what constitutes desecration of the flag?

Coming back from Arkansas last weekend, I counted three people, two men and a woman, whose shirts were made out of the American flag. What are you going to do with them, Mr. President? Are you going to haul them off like Joe Johnson, put them in jail? Well, maybe one State says you put them in jail, another State says you cannot do that. You go into a bar and you get a drink and there is a swizzle stick to mix your drink with a flag on the end of it. What are you going to do with that bartender, the owner of that bar? On the Fourth of July, the entire front page of the paper is the American flag, every one of them going into the trash before sundown. What are you going to do about that, Mr. President?

How about the used-car lot that has an American flag sticking up on every antenna? Do you ever suspect for a moment, Mr. President, that these car lots with these massive displays of flags are designed to convince you that the owner of that place is a patriot? Some people would see it as the opposite: commercialization of the flag.

While we are covering desecration, why do we not also cover commercialization of the flag or using the flag for commercial purposes? And then, what is physical desecration? Does that mean you have to spit on it, tear it, burn it? What is physical desecration?

I tell you what it is, Mr. President. It is whatever each one of the 50 States say it is. You will have 50 different definitions of what used to be a precious, protected freedom of political speech in the Constitution of the United States, and then Congress will also weigh in so you will have 51.

We already have protection of the flag. The Supreme Court has already said fighting words, acts calculated to create a violence can be considered to be illegal.

Mr. President, let me ask you, what kind of company are we going to be in? I have two grandchildren. And like we did with our own children, Betty and I put them on our laps, and we go through Highlights looking for hidden pictures, all those other little games. One of the Highlights games is always, ''What is out of place in this picture?'' It will have 8 or 10 things. One obviously does not fit, it is out of place, out of character.

Here is a chart. And taken from Highlights magazine is ''One of these things is not like the others.'' Look at it. I ask you, which one is not like the others? Here you have Germany which in 1932 passed a law saying:

> Whoever publicly profanes the Reich or one of the states incorporated into it, its constitution, colors or flag or the German Armed Forces, or maliciously and with premeditation exposes them to contempt, shall be punished by imprisonment. Nazi Germany. You cannot say anything about it, you cannot talk about it, you cannot desecrate the flag, the constitution or much of anything else.

The Soviet Union, 2 years in the gulag. The Soviet Union, 2 years in the gulag for desecration of the flag.

China, 3 years.

Iraq, 7 years.

And not to be outdone, Iran, 10 years.

South Africa, 5 years and a fine during apartheid.

Cuba, old Fidel is not as tough as these other guys; only 3 months and a fine in Cuba.

Syria, 6 years.

There they all are. And in the center is Old Glory. Is this the crowd we want to join? We are going to wind up giving up a lot more freedom than we are going to get.

Mr. President, I have been amazed at where a lot of conservative writers are on this issue. Charles Krauthammer—I do not read him. I do not care for his articles, and I never read him. He thinks this is pap nonsense.

George Will, Cal Thomas, and other conservatives.

Senator MITCH MCCONNELL, from Kentucky, had a column in yesterday's Post, and I thought it was absolutely superb. He quoted a veteran, a man named Jim Warner, an American patriot who fought in Vietnam and survived more than 5 years of torture and brutality as a prisoner of the North Vietnamese. Here is what he said:

> We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America, and they're afraid of freedom. What better way to hurt them than with the subversive idea of freedom. Spread freedom.

When a flag in Dallas was burned to protest the nomination of Ronald Reagan, he told us how to spread the idea of freedom when he said:

> We should turn America into a city shining on the hill, a light to all nations. Don't be

afraid of freedom, it is the best weapon we have.

You do not hear me quote Ronald Reagan very often, but that was beautiful.

And finally, to quote our old friend Will Rogers, and I will close with this:

When Congress gets the Constitution all fixed up, they're going to start on the Ten Commandments, just as soon as they can find somebody in Washington that's read them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I rise today to join my colleagues in support of Senate Joint Resolution 31. I did not come to the floor to cite case law or precedent or to dispute the predictions and the pronouncements of the constitutional scholars. I will leave that to the lawyers in this Chamber. But I came here to tell you what I believe in my heart as an average American, the son of a veteran, the kind of person who puts his hand across his chest during the national anthem and gets a lump in his throat during parades when the Stars and Stripes go by.

What is it about this multicolored piece of cloth that inspires such emotion? Perhaps it is the high price this Nation has paid for the honor of flying it.

Fifty-three thousand Americans gave their lives defending this piece of cloth in World War I; 292,000 Americans in the Second World War; 33,000 Americans in Korea; 47,000 Americans in Vietnam; most recently, 138 Americans gave their lives defending this piece of cloth in the Persian Gulf war.

And when the bodies of those defenders of freedom were returned home, it was this piece of cloth atop their caskets that caught and cradled the tears of their loved ones.

In my heart, I know that the men and women who sacrificed everything they had to give on behalf of this flag and the ideals it represents would be heartsick to see it spit upon, trampled over, burned, desecrated.

This is so much more than just another piece of cloth.

Mr. President, in a nation like ours that celebrates diversity, there is little that ties us together as a people. We come from different nationalities. We practice different religions. We belong to different races. We live in different corners of this immense Nation, speak different languages, eat different foods. There is so much that should seemingly divide us. But under this flag, we are united.

Far from being just a piece of cloth, the flag of the United States of America is a true, national treasure. Because of everything it symbolizes, we have always held our flag with the greatest esteem, with reverence. That is why we fly it so high above us. When the flag is aloft, it stands above political division, above partisanship.

Under this flag, we are united. And Americans are united in calling for a constitutional amendment allowing them to protect their flag.

When you ask them if burning the U.S. flag is an appropriate expression of freedom of speech, nearly four out of every five Americans say no, it is not. In my home State of Minnesota, nearly 70 percent of my neighbors support Senate Joint Resolution 31, and have called on Congress to pass it this year.

Mr. President, there is no Minnesotan who has been more vocal in this fight than Daniel Ludwig of Red Wing, and I am so proud of his efforts. Just this summer, Mr. Ludwig had the great honor of being elected National Commander of the American Legion during the organization's 77th annual national convention.

Mr. Ludwig knows what the flag means to the soldiers and veterans of the American Legion. He is a Vietnam-era veteran of the U.S. Navy who spent 8 years in the military, and he told me that passage of the amendment we debate today remains the American Legion's No. 1 priority.

''We are so close to victory,'' he said. ''Protecting the American flag from desecration can be our greatest victory.''

It has been too long in coming.

Since 1989, the year the U.S. Supreme Court struck down state laws banning desecration of the flag, 49 of our 50 States have passed resolutions directing Congress and their State legislators to support a flag protection amendment.

Our legislation restores to the States the right snatched away from them by the court to enact flag-protection laws. It does not force the States into action. It does not set punishments. It says simply that ''the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.''

This amendment returns to the people the power to pass the flag-protection laws they feel are appropriate for their communities.

Of course, there are those who are opposed to this amendment, individuals who do not believe the people can be entrusted with the responsibility of amending the Constitution. They think Congress should play the role of protector, a guardian body that exists to save the people from their own foolishness.

It is not something we enter into recklessly, but it is the right of the people to amend their own Constitution. Our Founding Fathers were wise enough to understand that times and circumstances change, and a Constitution too rigid to bend with the times was likely to break. They created the amendment process for that very purpose. We amend the Constitution when circumstances tell us we must.

Mr. President, we need this amendment because the soul of our society seems to have been overtaken by the tennis-shoe theology of ''just do it.''

If it feels good, just do it. Forget about obligation to society. Forget about personal responsibility. Forget about duty, honor, country. ''If it feels good, just do it,'' they say.

If it makes you feel good to burn a flag, just do it. After all, it is just a piece of cloth.

Just a piece of cloth? Tell that to the men, women, and children who each day stand before the black granite walls of the Vietnam Veterans Memorial, tearfully tracing with their finger the name of a loved one chiseled deep into the stone.

Tell that to the veterans of the Korean war, who have come by the thousands to their new memorial just across the reflecting pool. They see the statues of the soldiers, poised in a battle march, the horror of war forever frozen in the hardened steel, and they remember those who did not come back.

Tell it to the veterans of World War I and World War II, who each year don their uniforms for the annual Veteran's Day parades. Time may have slowed their march and stiffened their salute, but it has not diminished their passion for the flag.

To say that our flag is just a piece of cloth—a rag that can be defiled and trampled upon and even burnt into ashes—is to dishonor every soldier who ever fought to protect it. Every star, every stripe on this flag was bought through their sacrifice.

Mr. President, as I walked to the Capitol this morning and saw the flags on either side of the great dome flapping in a gentle breeze, I knew I could not stand here today, cold and analytical, and pretend I did not have a stake in this emotional debate.

It is average Americans like me who cannot understand why anyone would burn a flag. It is Americans like me who cannot understand why the Senate would not act decisively, overwhelmingly, to pass an amendment affording our flag the protection it deserves.

I know in my heart that this simple piece of cloth is worthy of constitutional protection, and I urge my colleagues to search their own hearts and support Senate Joint Resolution 31.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

HOUSING FOR OLDER PERSONS ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate

now turn to consideration of Calendar No. 231, H.R. 660.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 660) to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Housing for Older Persons Act of 1995''.

SEC. 2. DEFINITION OF HOUSING FOR OLDER PERSONS.

Section 807(b)(2)(C) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(C) is amended to read as follows:

''(C) intended and operated for occupancy by persons 55 years of age or older, and—

''(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

''(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

''(iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall—

''(I) provide for verification by reliable surveys and affidavits; and

''(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.''.

SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE; DEFENSE AGAINST CIVIL MONEY DAMAGES.

Section 807(b) of the Fair Housing Act (42 U.S.C. 3607(b)) is amended by adding at the end the following new paragraph:

''(5)(A) A person shall not be held personally liable for monetary damages for a violation of this title if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.

''(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that—

''(i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and

''(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.''.

Mr. BROWN. I further ask unanimous consent the bill be considered under the following limitation: 1 hour for debate on the bill to be equally divided between Senator BROWN and Senator BIDEN, that no amendments be in order to the bill with the exception of one amendment, and that following the expiration or yielding back of debate time, the committee amendment be agreed to, the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, for clarification, I ought to note the amendment that is referenced is the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado.

Mr. BROWN. Mr. President, the Civil Rights Act of 1968 was passed specifically to prohibit discrimination on the basis of race. Title VIII of the act was the Fair Housing Act. It prohibited discrimination on the basis of ''race, color, religion or national origin'' for any sale of housing, rental of housing, financing of housing, or provision of brokerage services.

The housing practices in which discrimination is prohibited include the following: Sale or rental of a dwelling, provision of services or facilities in connection with a sale or rental of a dwelling, steering any person to or away from a dwelling, misrepresenting availability of dwellings, discriminatory advertisements, and charging different fees provided and different benefits.

The 1974 Fair Housing Act, or title VIII of the Civil Rights Act, was amended to prohibit discrimination on the basis of sex. In 1988, the Fair Housing Act was amended again to prohibit discrimination on the basis of being handicapped or familial status, which means living with children under 18. That is, the 1988 Fair Housing Act prohibition of discrimination on the basis of living with children under 18 included an exemption ''for housing for older persons.'' In other words, H.R. 660, which enables housing for older persons, is not a new idea. This debate is really about refining the original one.

To meet the definition for housing for older persons under current law, the housing must be intended for occupancy by persons 55 years or older, where there are ''significant facilities and services'' designed to meet the physical or social needs of older persons.

Interpreting and implementing the ''significant facilities and services'' standard has been very troublesome. In other words, it has been a pain in the neck because it has been vague, it has been difficult, it has spawned litigation and created confusion. For the last 7 years, it has been unclear what ''significant facilities and services'' means. There have been so many lawsuits that the exemption Congress intended is fast being revoked in fact.

Mr. President, the way bureaucrats have administered this provision would make the people who came up with the Mississippi literacy test proud. It acts as a bar to the reasonable provisions of the law that were intended to make housing available for families with children while continuing to allow housing for older persons. The fact is, some older people do prefer not to have the noise and the trauma that go along with having children. Frankly, families with children sometimes prefer not to have the complaints about their activity as well.

H.R. 660 is intended to clear up this problem. It is intended to make the law clear and workable, and to stabilize the original exemption Congress created for senior housing.

In other words, what we are dealing with here is making the law clearer and more workable for seniors. This bill aims to protect seniors so that they can, if they wish to, move into housing where they are protected in their safety and their privacy.

H.R. 660 will clarify the law and put in place a bright line test for senior housing. The test is: First, the housing is intended and operated for seniors; second, there is an actual 80 percent occupancy rate of the occupied units; third, the intent is manifested by published policies of the housing community; and fourth, the housing community complies with HUD rules. If that is met, then senior housing is safe from lawsuit.

This revision, this clarification, passed in the House of Representatives 424 to 5. It was overwhelming. It is the least we can do to give senior citizens the help they both desire and merit. Frankly, this kind of abuse that senior citizens have been subject to from the bureaucracy with regulations ought to end. We ought to have rules that a reasonable person can understand and deal with. What we have been subjected to in the existing regulations that have come down is flatly an effort to thwart the will of Congress, not an effort to deal reasonably with the problem.

The reality is, we would not have this bill before us today if we had not had some Federal regulators that had simply tried to thwart the original intent of Congress. We would not have this bill before us if the bureaucrats had simply tried to deal with this problem in a way that was less cumbersome and less difficult.

I should point out that not only is this bill something that passed the House by 424 to 5, but reasonable efforts have been made in this Chamber to modify the bill to further obtain consensus. We have accepted suggestions made by Senator SIMON and others which address their concerns. What comes out of committee and what is available for the Senate to consider, therefore, is a bill that I think Members will be comfortable in voting for and will feel they can report to their constituents: We have cleaned up the law, we have clarified the law, we have ended some unnecessary and unreasonable regulatory burdens and given a reasonable, clear definition to protect the interests of senior citizens.

Mr. President, at this point I yield the floor and I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call be charged equally to myself and the Senator from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask for the yeas and nays on H.R. 660.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I suggest the absence of a quorum and ask that the time under the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, the point of this bill is to deal with a problem in seniors housing communities that is created up by the ludicrous HUD regulations which this Congress directed but which had earlier been rejected and the new ones which I think strain the imagination.

The problem that the seniors housing exemption could only be allowed for facilities that were designed for the very wealthy. So we have a circumstance where, if you followed the existing HUD regulations, the rich could enjoy the exemption but the normal seniors could not.

Let me, for those Members who find that hard to believe—and I must say I find it hard to believe—mention some of the standards that HUD put forward in regulations that they suggested seniors must have in order to qualify for the exemption:

T'ai chi classes, swim therapy, macrame classes, fashion shows, regularly offered CPR classes, and vacation house watch.

How many normal seniors do you know who have a need for that?

Pet therapy services.

Are these things that you ought to have in a program to qualify for a normal exemption?

Ping-pong, pool table, shuffleboard, horseshoe pits, golf courses.

These are things the average senior would find extravagant.

Lawyers' offices, lifeguards, swimming or water aerobic instructors, dance and exercise instructors, craft instructors.

I mention these because they are in the HUD guidelines. I mention them also to make this point: HUD designed guidelines that, for the normal seniors in this country, became exorbitantly expensive, and it was part of an effort by HUD, I believe, to simply do away with the seniors exemption that would extend this housing privilege to normal seniors in this country.

At this point, I yield 8 minutes of my time to the distinguished Senator from Arizona.

Mr. KYL. I thank the Senator.

Mr. President, I certainly have been privileged to work with the Senator from Colorado in supporting this very important piece of legislation and would like to reiterate at the very outset precisely what we do here and why. This bill, as the Senator from Colorado has noted, eliminates many of the problems that senior communities have experienced over the last decade, and I think everyone recognizes that my State of Arizona was really a pioneer in the creation of these senior communities. They know who they are, and they do not need the Department of Housing and Urban Development designing a set of criteria such that the Senator from Colorado has just provided us with to define them as a senior community.

Believe me, if you go to Arizona and you are in one of these communities, you are fully aware that that is where you are. But under current law, these communities must follow these HUD guidelines or regulations in order to qualify for the exemption. The bill repeals this so-called significant facilities requirement, simplifying the process by which legitimate seniors-only facilities will gain the exemption.

To obtain the exemption, the bill only requires that 80 percent of the households in a community have in residence at least one person over the age of 55. That is the requirement.

If the community publicly states and can prove that 80 percent of its units have one or more occupants age 55 or older, then it would pass the adults-only housing test and qualify for an exemption from the Fair Housing Act's antifamily discrimination rule even if it lacked the significant facilities as defined by HUD.

In addition, to reduce abusive litigation, the bill allows that realtors and developers may show good-faith reliance on the seniors-only exemption if such person has no actual knowledge that the facility or community is not or will not be eligible for such an exemption, and the facility or community has stated formally in writing that the facility or community complies with the requirement for such exemption.

Now, who supports this legislation? Fortunately, just about everybody. I have received literally hundreds of letters of support from seniors living in these communities. Many of the community coordinators have expressed support to us. Due to HUD's stringent ''significant facilities'' regulations, it is the fact that a few of these communities have actually lost their seniors exemption.

Constituents from Mesa, Tucson, Golden Valley, Green Valley, Scottsdale, Sun City, Yuma, Dreamland Villa Community, and Phoenix have all communicated with me. Groups like the Arizona Association of Manufactured Homeowners and their 25,000 homeowners, Adult Action of Arizona and their 42,000 homeowners, Fountain of the Sun Homeowners, Arizona Manufactured Housing Institute, Sun Lakes Homeowners, Yuma East Owners Association, Ellenburg Capital Corp., and Fountains Retirement Properties, these and others have contacted me in support of this.

Real estate agents—the National Association of Realtors—and housing development firms all favor this bill. AARP has written a letter to the chairman of the committee, Senator HATCH.

I ask unanimous consent that the letter of the AARP in support of this legislation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Many of these constituents argue that the rule defining ''significant facilities and services'' increases the costs to their housing and tells them how to live. And that is the objection I think in addition to the complexity of complying with these HUD regulations.

These individuals have complained that some senior housing complexes are being hit with unfair discrimination lawsuits because of confusion about which housing qualifies for the exemption from the antidiscrimination housing statute.

Why is this bill important?

Although the ''significant facilities and services'' provision was well intended—it was designed to protect families with children from discrimination in housing, which we all support, of course—the exemption has made the lives of seniors unnecessarily difficult.

Fewer regulations and restrictions would allow senior communities to operate more efficiently and freely. Is it too much to ask that the seniors of our country be allowed to live without intrusion into their lives by the Federal Government?

Most senior citizens I know are independent and highly capable. They do not want to pay extra to have somebody read to them. They do not want or need to be told by the Federal Government how often they have to have bingo made available to them in their housing complex.

By increasing the price of rent in senior facilities, these regulations in effect discriminate against low-income seniors, as the Senator from Colorado has pointed out.

There is one other thing that I would like to say because there is an argument that the Housing and Urban Development Department recognized the problems with its regulations and therefore sought to relieve some of the burden by revising and imposing a new set of regulations.

I almost did not use the word ''imposing,'' but that is what it is. And I think the point of this legislation is to

say, ''Nice try, but you still have not solved the problem.''

This most recent rule of HUD revising the ''significant facilities and services'' regulation really does not answer the problem.

One of my constituents, Susan Brenton, for the 25,000 Member Arizona Association of Manufactured Homeowners Group, stated, ''The new rule is still very nebulous and leaves a lot of areas open to court decisions and each court case costs the residents of the community thousands of dollars.''

The new regulations state that communities that provide at least 2 services each from 5 of 12 categories all defined by HUD qualify for the exemption. But these services are really quite frivolous, and they raise the costs to residents. This is what the Senator from Colorado was just quoting from, Mr. President.

These so-called easier regulations are really at the end of the day not much of an improvement. HUD's attempt at revising its statistics have only trivialized what qualifies as a ''significant service.'' Clearly, HUD needs some help in fixing the problem that it fully acknowledges exists—regulatory overreach in senior housing—but we think the way to solve the problem is to eliminate the ''significant facilities and services'' requirement altogether, and that is what H.R. 660 does.

Mr. President, in conclusion, this legislation has received not only wide support from States like mine which have a lot of senior communities, but as you know, it has wide support around the country. It has significant support in the Senate. It passed out of our Judiciary Committee with virtual unanimity, and I am sure it will be adopted by this body in very short order, again, with virtual unanimity.

What we will be saying to the senior communities of our country is that we heard you when you let us know that these regulations were too costly, too burdensome and really in a sense too frivolous, and therefore the Congress is not incapable of acting to correct a problem like this in order to make your lives a little easier. That is what we will have done when we pass this important legislation.

Again, I commend my colleague from the State of Colorado for bringing the legislation forth and for getting it to the floor so that we can see this job through and get it done before the end of the year.

I thank the Chair very much and reserve the remainder of whatever time I did not use.

EXHIBIT 1

AARP,
Washington, DC, October 23, 1995.

HON. ORRIN HATCH,
Chairman, Committee on the Judiciary, Senate Dirksen Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the American Association of Retired Persons (AARP) to express our continuing support for the Housing for Older Persons Act of 1995 (H.R. 660) and to urge its immediate consideration and passage.

AARP believes that age-specific housing should be preserved as an important service to many older persons. Congress recognized at the time the Fair Housing Amendments Act was passed that the standards established to meet the statute's exemption for housing for older persons would have to be clear, workable, and flexible enough to be applicable to the wide array of housing, residents, and abilities to pay in the elderly housing market. Unfortunately, promulgating and enforcing clear and workable standards has proven to be nearly impossible. Efforts to clarify the statute's requirement of ''significant facilities and services'' have been undertaken in three rulemakings under two Administrations.

While AARP applauds HUD's most recently issued rule—a significant improvement over its proposed rule of July 1994—the Association has come to the conclusion that the complex and seemingly contradictory statutory provisions defining housing for older persons have made equitable enforcement very difficult, if not impossible. Our Legal Counsel for the Elderly office was unable to find any successful defense of a claim of exemption for housing for older persons among cases receiving judicial review. When coupled with significant anecdotal evidence of rather arbitrary decisions by fair housing investigators, the conclusion is inescapable that implementation of the law has not been consistent with the flexibility intended by Congress. Indeed, widespread dissatisfaction with the statute's enforcement threatens the very viability of the important new protections provided in the Act.

AARP appreciates the leadership of your Committee and the work of Senators Gorton and Kyl in addressing this issue. If we can be of any further assistance, please do not hesitate to have your staff contact Don Redfoot of our Federal Affairs staff at 434–3800.

Sincerely,

MARTIN CORRY,
Director, Federal Affairs.

Mr. BOND. Mr. President, I rise in support of H.R. 660, the Housing for Older Persons Act of 1995. This legislation recognizes that elderly housing is special housing for seniors, that the elderly are a special population that deserve to live in housing reserved for the elderly, and that this legislation does not constitute discrimination against families.

HUD recently published regulations to clarify what constitutes elderly housing. HUD published these regulations because the Congress in the Housing and Community Development Act of 1992 required HUD to clarify what constitutes elderly housing. I remind my colleagues that HUD has failed for years to provide the proper guidance and leadership on what constitutes elderly housing, despite confusion and costly litigation over this issue. Moreover, the new HUD regulations remain sorely lacking. It is time that we provide clear guidance on what constitutes elderly housing and I urge my colleagues to support H.R. 660.

Mrs. FEINSTEIN. Mr. President, I rise today in support of H.R. 660, the Housing for Older Persons Act of 1995. The main thrust of this legislation is to remove the requirement for significant facilities at 55-and-over communities.

This has been a major issue in California, particularly in the Inland Empire area including Riverside and San Bernardino Counties, which have traditionally been retirement communities catering to all income levels of seniors—from low-income mobile home parks to lavishly planned, full service retirement communities. One only has to drive along Interstate 10, from Los Angeles to Phoenix, to see the many billboards advertising these retirement communities.

Previously, these 55-and-over communities have been known as adults only communities. However, during consideration of the Fair Housing Amendments of 1988, in an attempt to combat discrimination against families with children, adults only communities were called into question.

In turn, Congress decided to preserve adults only communities, which previously housed seniors, with the new designation of ''55-and-over.'' One of the requirements for this designation was that communities must have ''significant facilities'' in order to qualify. The Department of Housing and Urban Development did not develop rules for ''significant facilities,'' however, until 1991. Unfortunately, these rules proved to be very controversial and resulted in several expensive law suits being brought by HUD against the very communities Congress had intended to protect.

The most controversial point had to do with the definition and differing interpretations by the courts and HUD as to what constituted ''significant facilities.'' Did it mean that there had to be a 24-hour, on-site medical facility, for example, or, could shuffleboard or other planned activities suffice?

Last year, due partially to concerns expressed by my office, former Department of Housing and Urban Development Assistant Secretary for Fair Housing and Equal Opportunity Roberta Achtenberg conducted hearings around the country, including one in San Bernardino County. From what I understand, communities were pleased with the outcomes of the hearings, and eventually, HUD developed new rules which lessened the definition of ''significant facilities.''

Still, cities have been anxious for Congress to adopt H.R. 660, to permanently eliminate the ''significant facilities'' requirement. Take for example, in my state of California, the city of Hemet.

In the city of Hemet, 50 percent of its housing is 55-and-over communities. Removing the seniors-only status and requiring these communities to absorb families with children will result in a dramatic shortage of classroom space, and the tax-base. Demographics are such that the financing of new school construction, in a city that was planned as a retirement community, would not be possible.

Adoption of H.R. 660 will preserve existing 55-and-over communities, and will clarify, once and for all, congressional intent with respect to protecting senior housing in retirement communities.

Although discrimination against families with children should not be tolerated, when a community has been planned specifically as a retirement community, and at least 80 percent of its residences house senior citizens, as this bill requires, then I believe those communities should have a right to be preserved as senior housing.

Mr. FAIRCLOTH. Mr. President, I strongly support H.R. 660. This legislation will eliminate many of the problems that senior communities have faced over the last several years, particularly from HUD's excessive rules interpreting the Fair Housing Act.

Mr. President, unfortunately, this is not the only problem that arises from interpretations of the Fair Housing Act. In August of this year, I introduced legislation, S. 1132, to address two significant problems.

First, S. 1132, would prevent HUD from investigating and even suing people who protest the establishment of group homes in their communities.

S. 1132 would also overturn a recent Supreme Court ruling in City of Edmonds versus Oxford House, by allowing localities to zone limits on the number of unrelated persons living together if the zoning scheme is designed to preserve a single family neighborhood.

In that case, a home for 10 to 12 recovering drug addicts and alcoholics was located in a single family neighborhood. The city tried to have the house removed because it violated the city's local zoning code that placed limits on the number of unrelated persons living together. The Supreme Court ruled that the Fair Housing Act was violated by this zoning law.

I think the Supreme Court ruled incorrectly in this case. The Congress clearly intended an exemption from the Fair Housing Act regarding the number of unrelated occupants living together. My bill would clarify that localities can continue to zone certain areas as single family neighborhoods, by limiting the number of unrelated occupants living together. I think families should be able to live in neighborhoods without the threat that certain types of group homes—which may be unsuitable for single family neighborhoods—can move in next door and receive the protection of the Fair Housing Act.

But the most important point is this one: Decisions about zoning should be made at the local level and not in Washington. If a locality wants to permit group homes in a certain area—it can do so without HUD interfering in the decision using the Fair Housing Act as cover.

Mr. President, my bill would also correct the abuses of the Fair Housing Act by the Clinton administration. In the past 2 years, HUD has taken to investigating people under the Fair Housing Act who have protested group homes coming into their neighborhoods. The most well known of these cases was the incident involving three residents in Berkeley, CA. HUD's actions were a blatant violation of their right to freedom of speech. HUD's abuse was so bad that they dropped the suit and promised they wouldn't do it again. HUD even issued new guidelines on the subject so it couldn't happen again.

But, not long ago, HUD has done it again. HUD is investigating five Californians who went to court to get a restraining order against a group home for the developmentally disabled that was planned for their neighborhood.

Mr. President, the issue is not whether the location for this group home is proper, that issue can be decided by the courts. The issue is freedom of speech. I believe anybody has the right to speak their mind and to take legal action against what they think is an injustice. HUD has taken the opposite view in this debate. I think this is wrong and needs to be clarified in law by amending the Fair Housing Act.

Mr. President, I offer strong support for H.R. 660, but would hope that in the near future, the Senate would consider other changes to the Fair Housing Act, particularly those in S. 1132. I hope that we can make these reforms to the Fair Housing Act because we need to preserve this act to prevent real discrimination, but we do not need to use the act to pursue a far, far left agenda that defies common sense, and silences free speech.

Mr. GORTON. Mr. President, today we passed a significant bill which will remove the burdensome bureaucracy of the Federal Housing and Urban Development Agency off the backs of American seniors. In this bill, which I originally introduced in the Senate during the 103d Congress, we take significant steps to provide fair, safe, and independent housing for Americans over the age of 55. I have received thousands of letters from concerned residents of ''55 and over'' communities in Washington.

Today, law provides for people over the age of 62 to be provided with special housing arrangements. The qualifications for a senior housing development are simple: A community for persons age 62 and older is required to have all residents age 62 or older. In 1988, Congress also legislated that communities with citizens 55 or older would qualify as ''housing for older persons,'' provided those communities met three requirements: 80 percent of the housing units must be occupied by at least one person age 55 or older; a community must show in its advertising, rules, regulations and leases that it intends to serve people over the age of 55; and the community must provide ''significant facilities and services'' to its residents.

It's those words: ''Significant facilities and services'' which have proven to be so problematic. HUD tried to tell us what ''Significant facilities and services'' meant—it received over 15,000 comments, all expressing continued confusing and puzzlement over the Department's attempt at clarification. This is an area of law that is crying for legislative relief. I believe, as do my constituents, that the Department's rules go too far in mandating that all ''55 and over'' communities provide expensive facilities and services and make these services accessible to older persons. Clearly, Mr. President, privately owned and operated ''55 and over'' communities catering to low- and moderate-income seniors cannot be expected to have the same facilities and services as federally funded housing projects.

Seniors of all incomes deserve protection. As noted in the Senate report to H.R. 660, ''poorly drafted regulations have discouraged or outright denied seniors housing.'' With the overwhelming passage of H.R. 660, the U.S. Senate has stopped this practice. The U.S. Senate took a stand on behalf of our seniors, and their right to fair, safe, and equitable housing.

Mr. BROWN. Mr. President, let me repeat what is at issue.

The way the HUD rules operate is that senior citizens are not allowed to have a community by themselves unless they had some facilities that were laid out by HUD, and they were things like access to swimming pools, accessible club house, private fishing pond, a hair salon, a golf course, lawyer's office, a vacation house watch, pet therapy services, tool loan services, regularly offered CPR classes, fashion shows, craft classes in making jewelry, a variety of classes including t'ai chi or swimming therapy.

What they came up with in the HUD rules was a flat rule that said if you are not rich and cannot afford these extraordinary services, we are not going to let you live together.

Mr. President, that is not right. Seniors in this country deserve an opportunity to have reasonable rules. That is what this bill does. It has reasonable regulations, and it is a reasonable guideline that repeals some very unreasonable regulations. It has the overwhelming support of seniors around this country, the overwhelming support of the House. And I strongly urge its adoption.

Mr. President, we are now at a point where the proponents of the bill have used much of their time. I suggest the absence of a quorum and ask that the time that is consumed in the quorum call be equally divided, except that at least 5 minutes remain usable at the end of the debate for the proponents of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, parliamentary inquiry. I wish to speak in

opposition to this bill. Is there time for me to do that? And under whose control is the time?

The PRESIDING OFFICER. The Senator controls 23 minutes in his own right.

Mr. BIDEN. I thank the Chair very much.

Mr. President, this bill, in my view, retreats from the commitment we made to families with children. In 1988, Congress said that America's housing providers should not be able to discriminate against families with children. We did this in the face of widespread evidence that such discrimination against families with children existed.

We spent a lot of time on this floor—and I participated and have for the years I have been here—talking about discrimination against minorities, talking about discrimination against the elderly, talking about all forms of discrimination, as we should, as we should. But in my view, we spent precious little time on this floor talking about what is a mounting form of discrimination, discrimination against children, because some people find them inconvenient, inconvenient to be around.

In 1988, Congress said that America's housing providers should not be able to discriminate against children as well as against blacks or Hispanics or people based on their religion or based on their gender. We took this action because we wanted to prohibit all-adult housing communities just as we had prohibited all-white housing communities in 1968 with the passage of the Fair Housing Act in the first place.

Even as we said no discriminating against families, we also carved out an exception for legitimate retirement communities which catered to the special needs—not just desires, needs—and requirements of the elderly. The distinction we made then, and which I stand by now, is this: You cannot just keep children out because you do not like them, you cannot just keep children out because you do not want tricycles around, you cannot just keep children out and families with children out because it is inconvenient and you do not like it.

If you are going to exclude children, we said, you must be an organized community providing ''significant facilities and services'' designed to meet the physical and social needs of the elderly. Or put another way, a lot of old folks like me—I am 53 now—get together and say, ''We're tired of having kids around and we're going to have this gated community that X percent of us are over the age of 50, and we can prevent someone from moving in who has kids.''

Well, I tell you what, I think that—and by the way, there was ample evidence in the hearings we held then that that is just what was being done. What we were not concerned about is a community for the elderly with special needs where they needed ramps, where they needed special dining facilities, where there was some type of extended care, where it was in fact designed for elderly persons who in fact physically needed this special circumstance or emotionally needed this special circumstance, but not just because all of a sudden we have become trendy and decided that kids are kind of in the way.

If we are going to exclude children, we said, you have to be an organized community providing significant facilities and services. This ''significant facilities and service'' requirement was put into law for, as I have said, a very good reason, put there to distinguish between true senior communities and those that just think children are a pain in the neck. We recognized that something other than an animus against children must set these communities apart in order to meet an exemption from the Fair Housing Act.

I understand that what constitutes significant facilities and services has been a matter of a great deal of controversy and uncertainty over the years, and I have not been satisfied, because I have not believed that we set down stringent enough requirements to exclude—exclude—families with children.

Heck, there are communities who let dogs in, let people have dogs, but will not let people have children. And so, significant facilities and services, as I indicated, have been a matter of much controversy.

Also understand, the Department of Housing and Urban Development has taken many different stabs at the definition which has led to confusion and has made it difficult for those trying to comply with the law.

Mr. President, none of that, in my view, should lead us to abandon the basic principle: If you are going to be able to discriminate against families, you should be special, you should be serving the special needs of seniors. This principle should remain our guidepost more now than ever, especially since the Department of Housing and Urban Development has just recently promulgated completely revised regulations which resolve the confusion and make it much easier and clearer for senior housing communities to take advantage of the exemption.

The Department, many now agree, has finally gotten it right. Under the new regulations, which went into effect September 18 of this year, a housing facility can self-certify. It is amazing, we do not let many other folks self-certify that it falls under the Fair Housing Act exemption by simply filling out a straightforward, easy-to-understand checklist of facilities and services designed for older folks, which, I add, I do think is too lenient, not too strong. My staff does not like me to say that, but that is what I think. I think it should be more stringent, if you are a senior community meeting the exemption.

But the checklist contains a menu of some 114 facilities and services in 11 categories. If a facility provides a mere 10 of them, like wheelchair accessibility, communal recreation facilities, periodic vision or hearing tests or fellowship meetings, it qualifies as a senior housing project and may exclude families with children.

I want to make it clear to seniors who are not happy with me about this, I do not even think that is stringent enough, but at least it attempts to make the distinction.

If a facility's status is challenged, it need only show that the certification was accurate at the time of the alleged violation. The list of facilities and services included in the new rule was drawn from amenities actually provided by a wide cross-section of senior housing developments across the country, large and small, affluent and less well off, manufactured housing communities, condominiums and single-family communities.

In testimony before Senator BROWN's subcommittee, a representative from the Department of Housing and Urban Development testified to the extreme flexibility and cost consciousness built into the new guidelines. Here is what he said, and I quote:

> The rule does not assume that people living in housing for older persons are frail, disabled or require nursing home care. It does not require congregate dining or on-site medical care. The facility and services may be provided on or off the premises of the housing.

Let me add, I think it should require those things. But they may be provided by staff, volunteers, including residents and neighbors, or by third parties, such as civic groups or existing organizations in the community.

The new regulation does not require lavish services, nor do the mandated facilities, affordable only by the well-heeled; rather, they simply embody what is already being offered by bona fide senior communities of all sorts across the map. If a facility is providing at least 10 of the 114 facilities or services on the list, it qualifies for an exemption, a self-designated exemption.

The bill's supporters say the bill will make it easier and surer for a housing community to determine whether it qualifies for a fair housing exemption, and they are absolutely right about that. It makes it a lot easier. They do not have to be a senior facility. They can just not like kids. They can just not like kids around.

What kind of message are we sending to families with children, most of whom are breaking their necks just making it? What are we saying? We want to make it easier for you to have a rationale to keep me out of that community with my 14-year-old daughter?

I think it is outrageous—I acknowledge, I am the only one who seems upset about this; no one else is here to speak against it, that I am aware of—unless they want to make it even easier and just say it is not in vogue to have kids: ''If you have kids, go off and

live by yourself.'' The other folks should go off and live by themselves, and if the kids want to follow, so be it. Think about it for a minute.

Let us say that a complex contains 100 units; that all of these are occupied by two people; and that 80 percent are occupied by at least one person over the age of 55. In this hypothetical community, it will be able to lawfully discriminate against families with children under this bill if as few as 80 residents of the 200 of them are over the age of 55, while 120 could be under the age of 55, and we could put up a sign: ''No children allowed.''

They probably all call themselves great Americans, too, by the way. They all talk about how they care about families, and they may even go visit their grandchildren and pat them on the head on their birthdays and Christmas. What does that say, if you can build a community where 80 out of 200 people living in the community are over 55 and you can say ''no kids''? If we want population control, this may be one of the indirect ways of going at it.

To my mind, the math just does not add up to fairness for families and children. I believe this bill will open the door to the very kind of discrimination we sought to outlaw in 1988, and I think it will make it just too easy for folks to hang a sign on the door that just says, ''No children allowed.''

I cannot support this bill. I urge my colleagues not to support this bill. I realize that I am going to hear an awful lot from senior citizens about their rights. I do not think there is anybody on this floor who votes to protect the rights of seniors any more than I do, but no senior, unless they have a physical or emotional problem and need, has a right to tell a kid they cannot live next door. It is just too darn bad, and we are allowing it here.

I might add—well, I will not add anything else, because I will just get myself in trouble if I keep thinking about it and keep talking about it. I do not think this is the right thing to do.

I am sure to most, because we are so busy, this is just a clarification of an existing piece of legislation. That is how it is advertised. I respect my colleague from Colorado. He is joined in support for this by many of the strongest allies in the area of civil rights, many of the colleagues on this floor, my colleagues who I tried rally a little bit about this. They seem to think I am kind of off. One of them even said, ''BIDEN, that's because you come from a big Catholic family, you keep talking about the size of families.''

I do not like people who discriminate against kids. Period. I think it is well-intended what is being done here, but I want to tell you, if you are 55 years old, ambulatory, still working, have no problem, live at home, have a wife or have a husband, you are hanging around the house, and you are fine and you do not have any special needs, you should not be able to say a kid cannot move next door to you. Period. Period.

I just think this is wrong. I think it is dead wrong. But I am going to lose. I just want to make sure when my children and grandchildren read this, they will know their old man and their grandfather meant what he said.

The only important thing—the only important thing—in this whole outfit is kids. That is the only important thing. All the rest is insignificant. And when we allow people to say, ''No kids here,'' it is like we say, ''No dogs here,'' it is like we say, ''No blacks here.'' That is just wrong, unless there is a real good and compelling reason for it. The fact you are over 55 and 80 out of 200 people in a community over 55, that ''ain't'' good enough for me.

I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. BROWN. Mr. President, I yield myself 2 minutes. I want to pay tribute to my very thoughtful colleague from Delaware. His comments are heartfelt, and I know he is very sincere. I know his concerns come from a genuine interest in seeing that the irrationality of discrimination does not pervade our society, and that we evaluate and work with each other on the basis of reasonableness, thoughtfulness and caring. I want to pay tribute to him because I have a great deal of respect for him and what brings him to his position.

I am persuaded that this is a good bill for a couple of reasons. One, I believe seniors, who have reached that stage in life where they need to be in a safe, supportive environment, should be allowed that opportunity. That is what the bill does.

Second, Mr. President, I am persuaded that the guidelines that HUD came up with are simply an attempt to make it impossible to make this exemption for seniors housing work, not reasonable attempts at regulation. After two administrations, three attempts at regulations, four Congresses, specific Federal legislation directing HUD to fix this, countless lawsuits, numerous hearings and policy decisions, a record number of constituent letters to agencies, the fact is that we ought to act and make it possible for seniors to have units by themselves, if they wish it.

Mr. President, let me make two observations. One, nobody who wants to be around kids, by this measure, is precluded from being around kids. It does not do that. It also ought to be noted, Mr. President, that when you have senior housing and seniors sell their home and move into the senior housing, it makes available additional units to families who have children. We ought to ask ourselves: where did the senior who moves into a seniors community come from? Certainly they are vacating other housing. So the process of senior housing is one that adds units for family units, not subtracts from it.

Last, Mr. President, I think any objective observer would look at the guidelines that have come out from HUD and understand they have simply not served the American people. To suggest that to have senior housing units, you have to have to have access to swimming pools or hair salons, or access to a clubhouse, or life guards, or exercise instructors, or crafts instructors, or golf courses, or a lawyer's office, or polka and ballroom dancing instructors, or fashion shows, is simply to recognize what they have done with these regulations. They have said that you have to be rich to qualify for senior housing.

Mr. President, the reality is this: The majority of Americans who retire do not have a lot of extra money and a lot of them cannot afford these things. What we have done is come up with HUD regulations that are reserved for the very rich, and that is silly and wrong, and it ought to be corrected. This bill does that. This bill is about expanding freedom, about giving seniors choices. I think it is a wise measure. It is why the House passed it by such an overwhelming margin.

A concern that has been raised about H.R. 660 is whether it requires a seniors community to be intended for 100 percent occupancy by people over the age of 55. Section 807 (b)(2)(C) states that the housing is ''intended and operated for occupancy by persons 55 years of age or older.'' The congressional intent of this provision is simply that the main purpose behind creating the community is to provide housing for older persons. Any suggestion that this requires the community to intend that 100 percent of the units be occupied by those 55 and older is a grave misconception. the true meaning behind this general statement is evident in the bill's language, the legislative history, the subcommittee report, and current Federal regulations.

This legislation will not require all units in a seniors community to be intended for use by persons over the age of 55. The bill language makes it obvious exactly when counting occupancy is critical. The bright-line standard it creates clears up any confusion in determining what constitutes seniors housing: At least 80 percent of the occupied units are occupied by at least 1 person who is 55 years of age or older—not 100 percent and not total units—80 percent of occupied units.

But the general purpose of the community, as outlined by the section in question, is to provide housing for older persons—and the definition of what constitutes housing for older persons is that 80 percent of the occupied units are occupied by persons 55 years of age and older.

The language of the bill is clear on this point, and so is the legislative history. In 1988, Congress extended the Fair Housing Act to prohibit discrimination in housing against families with children. At the same time, however, Congress provided for the exemption of three different types of seniors housing, including the one we are examining today; that is, housing ''intended or operated for occupancy by at least one

person 55 years of age or older per unit.''

The fact that H.R. 660 does not require 100 percent occupancy for housing of persons 55 and older becomes even more evident when one compares this category of seniors housing with another one of the three original exemptions. The second category is ''housing intended for, and solely occupied by, persons 62 years of age or older.'' Note the striking difference, besides age, between these two categories: The one we are concerned with today no where states that housing is to be solely occupied by persons 55 years of age and older. Yet if this was the congressional intent, certainly it would have been delineated in 1988 when the three categories were first introduced.

The subcommittee report also promotes this interpretation. In the section-by-section analysis, the provision in question is interpreted so that ''the housing provider can demonstrate its intent to providing housing for persons 55 years or older, even if it allows persons under age 55 to continue to occupy dwelling units or move into the housing facility and occupy dwelling units, as long as the housing facility maintains the 80 percent occupancy threshold.''

The congressional intent voiced throughout the legislative history and subcommittee report is to make it easier for seniors communities to qualify as housing for older persons, thereby making seniors housing, particularly lower income seniors housing, more affordable. Requiring 100 percent of the units in a community, occupied or not, to be intended only for persons age 55 and older does not accomplish this goal—in fact, it makes qualifying as seniors housing more burdensome and would further restrict the availability of affordable seniors housing.

What Congress does intend is to create a 20-percent buffer zone for seniors communities so that they can more easily qualify, and remain qualified, as housing for older persons. It is easy to predict several situations that could arise making this buffer zone a necessary and vital protection for seniors housing.

Suppose an elderly woman owns a condominium in a seniors housing community. When this woman passes away, she wants to leave the home to her middle-aged son. Inheritance and transfer of property are an everyday occurrence in our democratic society, and the 20-percent buffer zone outlined in H.R. 660 would accommodate such a bequest.

Or consider the widow of a senior citizen who has passed away. If the surviving spouse is younger than 62 or 55, then, without H.R. 660, they face not losing a loved one, but also having to move out of their own home. This is not the role of the Federal Government. H.R. 660 corrects this.

The possible scenarios that affect seniors housing go even further—to potentially threatening the very existence of seniors communities. If a seniors apartment complex has 100 rooms available but can only find enough interested seniors to occupy 90 of them, this bill would permit the remaining 10 rooms to be occupied by families or other people under age 55. Forcing the communities to leave these 10 apartments vacant because seniors were not available could threaten the economic viability of running a seniors community. H.R. 660 protects seniors from that risk.

Current Federal regulations also support the fact that housing ''intended and operated for occupancy by persons age 55 and older'' does not mean 100 percent occupancy is required. Current regulations require similar intent as what is proposed in H.R. 660. In regard to housing for persons 55 and over, it states that the owner or manager of a seniors community must ''publish and adhere to policies and procedures which demonstrate an intent to provide housing for persons 55 years of age or older.'' Not at any time has HUD interpreted this to mean 100 percent occupancy by seniors. This is a general statement requiring that the main purpose behind the housing facility is to provide housing for seniors. No specific or numerical requirements are prescribed, just that the goal of their venture is to make seniors housing available.

A specific, numerical requirement is prescribed in this bill, but you won't find it before the bright-line test in section 807(b)(2)(C)(i). This bright-line standard is the force of H.R. 660, replacing the ambiguous ''significant facilities and services'' requirement that currently exists. But nothing else in this language prescribes any occupancy requirements beyond the bright-line standard of 80 percent actual occupancy.

Nothing in the legislative history, congressional intent, current CFR's, or language of this bill requires seniors communities to have the intent to occupy 100 percent of their housing units with persons 55 years of age and older. There is a well-thought and intentional 20 percent buffer zone to protect seniors communities and ensure they are effective, not unduly burdened, and able to provide the best services to our most valued citizens at the most affordable cost. The bright-line standard and everything surrounding this bill make that clear. Do not be misguided by inaccurate and hasty fears. H.R. 660 does not require the intention of 100 percent occupancy, but rather the clear, understandable condition that to be considered housing for older persons, 80 percent of the occupied units must be occupied by persons age 55 and older.

Mr. President, I believe this completes all the arguments. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 590 Leg.]

YEAS—94

Abraham	Frist	McCain
Akaka	Glenn	McConnell
Ashcroft	Gorton	Mikulski
Baucus	Graham	Moseley-Braun
Bennett	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Helms	Reid
Byrd	Hollings	Robb
Campbell	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Feingold	Lott	Wellstone
Feinstein	Lugar	
Ford	Mack	

NAYS—3

Biden	Chafee	Leahy

NOT VOTING—2

Bradley	Faircloth

So the bill (H.R. 660), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1833, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions.

The Senate resumed the consideration of the bill.

Pending:

(1) Smith amendment No. 3080, to provide a life-of-the-mother exception.

(2) Dole amendment No. 3081 (to amendment No. 3080), of a perfecting nature.

(3) Pryor amendment No. 3082, to clarify certain provisions of law with respect to the approval and marketing of certain prescription drugs.

(4) Boxer amendment No. 3083 (to amendment No. 3082), to clarify the application of certain provisions with respect to abortions where necessary to preserve the life or health of the woman.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator will suspend. The Senate will please come to order.

Mr. SMITH. Mr. President, I ask for the yeas and nays on the Boxer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3081 TO AMENDMENT NO. 3080

Mr. SMITH. Mr. President, I now call for the regular order with respect to the Dole amendment.

The PRESIDING OFFICER. The Senator has that right. The pending question is the Dole amendment No. 3081 to the Smith amendment 3080.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I want to make it clear that my hope is to offer two amendments to this bill for consideration by the Senate. One would deal with the problem of a deadbeat father having standing to bring lawsuits, and the other one would deal with the question of who is civilly or criminally liable under the bill. At the appropriate time, with the concurrence of the sponsor of the bill, I will offer those amendments.

Mr. President, at the appropriate time I will try to offer those amendments for the Senate's consideration. I will make copies available in the RECORD.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, it is my intention to offer an amendment concerning deadbeat dads. The amendment would make it clear that fathers who are deadbeat and do not marry the mother do not have the right to sue under this bill and thereby gather a financial bonanza. I circulated a draft of that amendment to the parties who are leading the debate on this bill.

I ask unanimous consent that I be allowed to offer that amendment without a second-degree amendment being in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer the amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I would ask that we go into a quorum.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Will the Senator yield for a question before he begins? And I am fully supportive of his amendment, the way he is approaching it.

Mr. BROWN. I am happy to yield.

Mrs. BOXER. I just want to get on the record that it is not the Senator's intention to have his amendment voted on prior to the Boxer amendment and the Dole amendment but, rather, after the Boxer and the Dole amendments are disposed of?

Mr. BROWN. That is an accurate statement of my intention, and my hope would be that absent agreement, we would save my amendment until after the disposition of those two amendments.

The PRESIDING OFFICER. The Senator needs to make a request.

Mr. BROWN. Mr. President, I ask unanimous consent that no vote occur on the Brown amendment, which I am about to offer, until the Boxer and Dole amendments are disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank my friend, and I wish him the best of luck with his amendment, which I will support.

Mr. BROWN. I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3085

(Purpose: To limit the ability of dead beat dads and those who consent to the procedure to collect relief as provided for in this section)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 3085:

On page 2, line 14, strike ''(c)(1) The father,'' and insert the following: ''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure,''.

Mr. BROWN. Mr. President, as drafted, the bill now extends the right to sue a physician and others involved in the partial-birth abortion process, to the father and other parties.

It is this Senator's belief that extending the right to sue under the bill to a father, who has assumed the responsibilities of fatherhood, is appropriate, but it is also my belief that to extend the privilege of standing and the potential enrichment it could convey to someone who has not assumed the real responsibilities of fatherhood would be a tragic mistake. To allow someone a financial windfall when they have not married the mother, when they have not lived up to their responsibilities in our society, would send exactly the wrong message. It would have the effect of granting possibly substantial financial remuneration to someone who has not been willing to meet his commitment to society or to meet the commitments of fatherhood. It would reward a deadbeat dad, something I believe is simply wrong. So this amendment makes it clear that someone who has not married the mother does not have the right to be enriched.

Mr. President, I think that sums up the amendment, and I hope the Senate will favorably consider it after it has had an opportunity to consider and dispose of the Dole and Boxer amendments.

I yield the floor.

Mr. SMITH. Mr. President, I just want to say to the Senator from Colorado that we support his amendment. We think it is a good amendment and

enhances the bill, and we are pleased to support it. I appreciate the fact that the Senator has offered it.

Mr. President, is the pending business the Smith-Dole amendment?

AMENDMENT NO. 3081

The PRESIDING OFFICER. It is the Dole amendment, which is a second-degree amendment to the Smith amendment, amendment 3081, I believe.

Mr. SMITH. I thank the Chair. That being the case, at this time I rise in very strong support of this pending amendment, Dole-Smith or Smith-Dole, life-of-the-mother exception amendment.

In addition, I also, in the course of my remarks, would be addressing another amendment that the Senate will be considering later this evening, which is the Boxer amendment, Senator BOXER's partial-birth abortion-on-demand amendment.

Mr. President, the underlying bill, H.R. 1833, which came to us from the House, bans what I have described as the brutal and inhumane partial-birth-abortion procedure. That is the only abortion procedure that it bans. Testimony to the contrary notwithstanding, this is the only abortion technique, the only abortion method that is banned under 1833. It includes an affirmative defense exception under which a physician would be subject to no penalty if that physician is able to demonstrate that he or she reasonably believed that the mother's life was in danger and no other medical procedure would suffice to save her life.

Obviously, Mr. President, a two-thirds majority of the House of Representatives believed that the affirmative defense provision of H.R. 1833 fully protected the life of the mother. It was an overwhelming vote in the House, and, of course, as we indicated yesterday, there were pro-choice Republicans, pro-choice Democrats, and pro-life Democrats and Republicans who supported overwhelmingly this legislation. So in spite of the fact that it has been called extremist, the truth of the matter is many people on all sides of the issue supported H.R. 1833 in the House.

In addition, as I have noted previously, the American Medical Association's Council on Legislation voted unanimously to endorse H.R. 1833 with the affirmative defense provision in it.

It is clear then, based on that decision, that the AMA Council also believed that the affirmative defense provision would fully protect any doctor who performed a partial-birth abortion if it was performed to save the mother's life when no other procedure was available to save the mother's life, even though, as we have indicated over and over in the testimony and debate in the Chamber of the Senate, we have not seen any witnesses who have come forth in the hearing who said that the mother's life was threatened. But, nevertheless, to be fair, we have put in this exception.

In spite of all that, a number of Senators have argued on the floor and have made the same point to me in private, frankly, that the affirmative defense approach may not give doctors who encounter an exceedingly life-endangering condition of the mother the sufficient latitude that they need. There is no medical evidence in the record produced as a result of the hearing on November 17 before the Judiciary Committee that the partial-birth-abortion procedure is ever necessary to save the life of the mother. As I said, there simply was no testimony. But Senators have expressed discomfort, as I said, in private to me, some wanting to vote for this but felt that they were not comfortable with the affirmative defense approach. In a good-faith effort to accommodate these concerns, last night Senator DOLE and I offered a life-of-the-mother exception amendment, and the new language which would be added immediately at the end of subsection (a) of the pending bill reads as follows:

> This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, illness or injury, provided that no other medical procedure would suffice for that purpose.

Now, we heard some debate here last night from some as if to say a physical disorder would not cover the complications that may arise from a pregnancy where a partial-birth abortion would be performed.

Of course, that would be covered. We are playing semantic games. The intent is to cover this if, in fact, there is a need to protect the life of the mother, which at this point we have never seen any testimony before any of our committees.

The language of this Smith-Dole life-of-the-mother exception amendment is very clear. It could not be clearer. The first part of the amendment is designed to make certain that the exception only applies to cases in which the mother's life is genuinely, physically threatened by some physical disorder, physical illness, or physical injury.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS-CONSENT AGREEMENTS

Mr. SMITH. Mr. President, I ask unanimous consent that there be 90 minutes equally divided between myself and Senator BOXER for debate on the Dole amendment No. 3081 and the Boxer amendment No. 3082, and that following the conclusion or yielding back of time, the amendments be laid aside, and the votes occur first on the Dole amendment, to be followed immediately by a vote on the Boxer amendment on Thursday, December 7, with the time to be determined.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SMITH. I also ask unanimous consent that immediately following the disposition of the State-Justice-Commerce appropriations conference report, that there be 60 minutes to be equally divided in the usual form for closing debate on the two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. I further ask unanimous consent that if the Dole amendment No. 3081 is adopted, the Smith amendment No. 3080, as amended, be deemed agreed to without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Finally, I ask unanimous consent that immediately following the two back-to-back votes tomorrow, that Senator SMITH or his designee be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. In light of this agreement, Mr. President, the leader has asked me to announce there will be no further votes this evening.

AMENDMENT NO. 3081

The second part of the Smith-Dole amendment is intended to ensure that in such dire emergency cases that we talked about, a partial-birth abortion could only be performed if it were the only medical procedure available to save the life of the mother. After all, as we all know now, the partial-birth abortion procedure is, first, brutal, and second, inhumane. It cannot possibly be justified except in a case of true self-defense when there is no other way—no other way—for a doctor to save the mother's life. In that case, self-defense is certainly legitimate and, of course, I would be supportive.

In sum, Mr. President, both Senator DOLE and I believe that this carefully drafted life-of-the-mother exception amendment is fully adequate. You will hear words to the contrary, but it is fully adequate to address the good-faith concerns of those Senators who are not satisfied with the affirmative defense provision in the underlying bill.

As I indicated, I am satisfied with it. But others are not, and I respect the fact that others are not and am willing therefore and have been willing, and Senator DOLE and others have been willing, to change it to clarify it more, to make sure there is no doubt that we support the life-of-the-mother exception.

We are satisfied that our language assures that this exception will not be abused by doctors who are not acting in good faith to save mothers' lives. We feel we have taken care of that in the amendment. Let me be very clear, Mr. President, as clear as I can be. Under the Smith-Dole amendment, no doctor could be convicted of violating the Partial-Birth Abortion Ban Act of 1995 unless the Government proved beyond a reasonable doubt that the doctor had performed a partial-birth abortion that was not covered—not covered—by this life-of-the-mother exception.

As I indicated, Mr. President, this Smith-Dole life-of-the-mother exception amendment fully satisfies—fully—any legitimate concerns that the affirmative defense provision of H.R. 1833

does not adequately protect any doctor that might act to protect the life of the mother where no other procedure is available. We have gone the extra mile by doing this, even though—even though—those of us that have put this amendment forth believe that the affirmative defense provision does, in fact, protect such doctors.

Mr. President, one of the Senators who has consistently made the argument that the affirmative defense provision does not protect doctors in life-saving situations is my colleague on the other side of the issue, the other side of the management here this evening, Senator BOXER. Last night after Senator DOLE and I offered our life-of-the-mother exception amendment, Senator BOXER responded by saying—I want to quote from the CONGRESSIONAL RECORD. ''Here we have it, an exception now for life of the mother. I think that is progress. I think that is progress, * * *.''

And in the spirit of comity, c-o-m-i-t-y, as opposed to comedy, I welcome Senator BOXER's positive remarks. Senator DOLE and I acted in good faith. We were pleased when she responded in good faith. But later in that same debate there was an about-face by the Senator from California.

I say this with the utmost respect. There was an abrupt change in tune. Here is what Senator BOXER had to say about the Smith-Dole life-of-the-mother exception amendment in the same debate a few minutes after the statement that I just read:

> This so-called life-of-the-mother exception that has been offered by my friend from New Hampshire, with Senator DOLE, is not—let me repeat—is not in any way a life-of-the-mother exception.

I am going to repeat those two lines. First, early in the debate, a quote from Senator BOXER:

> Here we have it, an exception now for the life of the mother. I think that is progress. I think that is progress.

And I welcome those remarks.

Then, later in the same debate, the same evening, quoting Senator BOXER:

> This so-called life-of-the-mother exception that has been offered by my friend from New Hampshire, with Senator DOLE, is not—let me repeat—is not in any way a life-of-the-mother exception.

So, if there is confusion on the part those who are trying to figure out what Senator BOXER's view is on this, then I certainly understand that confusion.

It is rather curious, is it not, that throughout the Senate's debate on this bill, the other side has repeatedly demanded a life-of-the-mother exception—repeatedly demanded a life-of-the-mother exception. Yet, when we offer one, we get praised for it, then the gears are switched and we are denounced.

I do not know what a flip-flop is, but if that is not one, I do not know what is.

Mr. President, after abruptly changing the position, we then get into rationalization. Then we hear the quote from Senator BOXER:

> So, yes, if a woman had diabetes or some other disease, there would be an exception. But if, in fact, the birth endangered her life, there would be no exception.

That just simply is not true. It simply is not true, and any reasonable person who looks at this amendment will see that it is not true, because it specifically provides for a life-of-the-mother exception.

This is bizarre. I mean it really is bizarre. I have been involved in a lot of debates. I have served in the Congress for 11 years—I served in the Senate for 5 and the House for 6—and I have been involved in debates on everything. You name it, I think I have debated it here somewhere. But I do not think I have ever heard a statement that was as quick a turnaround in the same debate as that.

And I guess my question is, what is the position of the Senator from California? What is the position of the spokesman on the other side of this issue? Is it that we have a life-of-the-mother exception or we do not? She said both. I am curious what the position is. Maybe we will hear it. I do not know.

I said last night if a complication resulting from a pregnancy is not a physical disorder, what is it? I am not a physician. I do not pretend to be a physician. I have never advocated being a physician. I have never said I was a physician, but if a physical disorder, a complication resulting from a pregnancy is not a physical disorder, I do not know what it is.

(Ms. SNOWE assumed the chair.)

Mr. SMITH. Let me reiterate that we can play games with words, we can play semantics and obfuscate and distort the issue, and that is exactly what is occurring here, but the truth of the matter is, this is a life-of-the-mother exception. The other side knows it, but that is not the agenda.

A perfectly normal pregnancy is not a disorder. That is what the agenda is. That is the agenda. They want the right to have an elective—elective—abortion, whether there is a life-of-the-mother exception or not. That is the agenda.

A perfectly normal pregnancy is not a disorder in the sense that some complications arise. It is not an illness, and it is not an injury. It is rather a perfectly normal and natural condition in which millions of women all over the country, all over the world, find themselves in at a given time. Sometimes, however, a woman develops a physical condition or a preexisting condition worsens as a result of the pregnancy and that physical condition poses a grave physical threat to her life.

That situation which I just described, where there is a threat to her life, clearly, in the words of the Smith-Dole amendment, is a physical disorder, and it is covered. To put it more simply, Madam President, normal pregnancy is a natural physical order. It is not a disorder, it is an order, a natural physical order, and a life-threatening pregnancy is a physical disorder.

In short, our amendment could not be clearer. This is a fully adequate, genuine life-of-the-mother exception. Period. And not only that, it is exactly what Senator BOXER repeatedly—over and over and over and over and over again—on the floor of this Senate prior to the hearing said that she wanted. ''I want the life-of-the-mother exception,'' she said. She said it again in the debate last night. We have it. Then she said we do not have it. First she said we have it, then we do not have it.

Let me say what I think is really going on here. I think that those on the other side, the Senator from California and others, know what this amendment is. They know, in fact, that it is a fully adequate, good-faith life-of-the-mother exception. That is what it is.

What I suspect that they might be afraid of is that the Senate's adoption of the Smith-Dole amendment will make it much more difficult to achieve the real objective. Let us talk about that real objective.

Do you know what the real objective is? To gut this bill. To gut the bill. To kill this bill with a life or health exception, which opens up big doors. The keyword is ''health.'' Everyone really knows in the abortion context what that really means. It means abortion on demand, but we are not talking, I say to my colleagues, about abortion on demand under any circumstances at all in this bill, except the partial-birth abortion. That is the only issue before us today. Nothing else.

Whether or not you support, some time between the 5th and 9th month of gestation, the opportunity for any woman to say—let us just use, for example, at 8½ months gestation, that this is a female child and ''I don't want it. Therefore, because I don't want it, because it is a female, I am going to abort it in the following manner: I'm going to allow a doctor to enhance, induce the delivery of everything except the head.'' So all parts of the child come out of the birth canal with the exception of the head. It is then restrained by the doctor. It is held. Delivery stops because the doctor forcefully stops the child from being born, and then the child is killed by using scissors to the back of the head, with no anesthesia, and a catheter to suck out the child's brains. That is what happens. That is the type of abortion we are talking about here. It is the only type of abortion that we are talking about here. I say to my colleagues, let us not talk about these issues now, such as deformities. We will talk about those later. Let us talk about a healthy female child that somebody decides they do not want only because it is a little girl—no other reason—and they abort it in the manner that I described. That is what the agenda is for those who oppose this amendment.

The Senate will consider, later this evening, this killer amendment. It is an amendment that is designed, again,

to gut the bill. You may as well call it the partial-birth abortion-upon-demand amendment. That is what it is. I know my colleagues in the House—good colleagues, who have strong views on this issue, pro-choice views, like SUSAN MOLINARI and PATRICK KENNEDY, a moderate Republican and a liberal Democrat—voted for this ban, because they were so incensed, outraged, horrified, and sickened by a process that would take the life of a child in this manner.

We have seen testimony, Madam President, of people who aborted children in this manner. This is what we are talking about. Let us not forget the manner, because that is what we are talking about—in this manner: by scissors and a catheter in the back of the neck, because they had Down's syndrome. We had testimony on that. My colleagues will recognize and I am sure many of us know that people with Down's syndrome are very productive people. It is very interesting that some of those same people who were staunch advocates for the Americans With Disabilities Act would not want to protect an innocent child who may be born with a disability. That is the height of hypocrisy. It just does not get any worse than that.

When one seriously examines the Boxer amendment, it becomes clear that the ''partial-birth abortion-on-demand amendment'' is what it is. It totally and completely removes all of the protections of the underlying bill from any baby who is not, in the sole judgment of the abortionist, viable. In other words, under the Boxer amendment, any abortionist who wants to use this brutal and inhumane partial-birth abortion procedure to kill an unborn child who is not yet viable—and viability occurs somewhere around 24 weeks—can do so with total impunity.

The amendment denies previable babies any protection at all. I have no doubt that Martin Haskell, the Nation's foremost partial-birth abortionist, would be very pleased, indeed, if this amendment were adopted. Do you know why he would be pleased? Because Dr. Haskell, by his own admission in statements—he refused to come and speak to the Senate—said he performed a thousand of these abortions like I just described—a thousand of them. Guess what, Madam President? Twenty percent—in other words, 200—were because the child had some medical deformity—Down's syndrome, or who knows—and 80 percent, or 800, by his testimony, were perfectly normal children, who were aborted selectively and electively by someone other than that child, that is for sure. That is what is going on in America. That is all I am trying to stop. That is all I am trying to do here.

I say to my colleagues, as I have said before, and to anybody listening, if you had a pet that you had to euthanize, put to sleep, would you do it by using scissors to insert a hole in the back of the head and suck the brains out of your puppy or your dog without anesthesia? Would you do that? You would be horrified if the local SPCA did that and that was in the paper tomorrow. You would be down there closing the place down, trying to adopt all the pets to get them away from there. That is what you would do. But this goes on. Every day a baby dies like this—in America, at least. We cannot stand here and stop it, with all of the problems we face in America today, such as balancing the budget, keeping the Government from closing down so people do not lose their jobs and are out of work for Christmas, deciding whether or not troops should go to Bosnia? We have to stand here and try to stop something as brutal as this, which should not even be happening? My God.

This amendment that the Senator from California has offered allows any partial-birth abortion on any viable baby. If you do not believe that, I would urge Senator BOXER, when she speaks, to say I will make an exception if it is a little girl, I will make an exception if it is healthy, I will make an exception if it has blue eyes, I will make an exception if it is a little boy, I will make an exception—let me hear it. You will not hear it. You will not hear it because that is not the agenda, because we use it in this cloudy term called the ''right to choose.''

We are going to see pictures of happy families from the Senator from California. But one picture that is not going to be in that happy family is that little baby who, yes, may have had Down's syndrome, who could be productive, or maybe a normal little girl. You will not see their picture in the happy family, because they did not get a chance to be a part of that happy family.

The post-viability language in the Senator's bill, like her pre-viability language, effectively removes all babies from the protection of this underlying bill. I want my colleagues to understand—and they all know my position on abortion. I believe life begins at conception and that life is sacred and should be protected. But that is not what we are debating today. We are debating one specific type of abortion, an abortion in which labor is induced and the child comes into the birth canal and it is executed with scissors and catheters, brutally, in late-term pregnancies. That is what we are talking about, nothing else. Do not be confused by the debate on something else because that is not what we are talking about.

So the Boxer amendment would essentially leave the judgment of whether a post-viability partial-birth abortion is necessary to protect the mother's health to the totally wide-open discretion of the abortion doctor. That, Madam President, is a prescription—to use a medical term—for abortion on demand.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes, 5 seconds.

Mr. SMITH. Madam President, to show more precisely why this amendment would gut the bill, let me focus on the legal meaning of the term ''health'' in the abortion context. The U.S. Supreme Court addressed that very question in the 1973 decision of Doe versus Bolton. ''Whether the health of the mother requires an abortion is a judgment,'' the Court said, ''to be made in the light of all factors—physical, emotional, psychological, the woman's age, and relevant to her well-being.''

That is very clearly stated. In other words, the Court has given the broadest, most liberal terms imaginable to the term ''health'' in the abortion context. As U.S. Court of Appeals Judge John Noonan said, ''. . . it would be a rare case where a doctor willing to perform an abortion would not be convinced that his patient's well-being required the abortion she asked for.''

I am not trying to get into the debate about when a woman's health is at risk. We have had testimony, and we have called for witnesses to come before the committee of the Senate. We have heard testimony in the House. We sought to find people who would come in here, physicians, from anywhere in America, to come in and testify and tell us, the Senate or the House, where there is a case where you would need to do this type of abortion to save the life of a woman. No one testified to that effect.

No one. They could not produce one. They could not even produce somebody that had a partial-birth abortion at the hearing we had, although they asked for the hearing.

The Senate, in recent votes, has rejected this massive health loophole when it decisively defeated the Mikulski medical necessity amendment with respect to abortion coverage under the federal employees health benefit plan a few weeks ago.

The Senate was not fooled then. The Senate will not be fooled now. This Boxer amendment would preserve the status quo, under which barbaric, cruel, and partial-birth abortion procedures are available on demand, a status quo under which a partial-birth abortionist like Dr. Haskell can freely take the lives of babies, like the Down's syndrome little boy that nurse Brenda Shafer saw him destroy.

Brenda Shafer, for those that missed the debate, was a nurse who witnessed a partial-birth abortion, a little boy who had Down's syndrome. She was horrified. She called his little face an angelic face. She said, ''I looked into that face and I walked out of that clinic.'' She was a pro-choice woman who believed in abortion, taught her daughters that, but not this type of abortion. She was horrified, as any ordinary, normal person would be.

My colleagues, all I am asking, in spite of my own personal feelings about this issue, all I am asking my colleagues to do today, all I am asking them to do is to vote to stop this single

horrible, disgusting type of abortion which is unnecessary.

The only circumstance under which such a hideous and cruel procedure could possibly be justified would be in a true, absolute case of self-defense where the doctor had no other way to save the mother's life.

That situation—were it ever to happen in a most extreme case anyone can imagine—is provided for under the life-of-the-mother exception amendment that I believe the Senate will adopt.

Stabbing an innocent, tiny baby through the skull and sucking her brains out—how can you justify that, in order to safeguard some vaguely defined expansive notion of the mother's health? How does it help the mother's health to do that?

If it is hydrocephalic, you can drain off the fluid. In the 1 out of 100 that Dr. Haskell performed that was hydrocephalic—the rest were something also, 80 percent elective.

I urge my colleagues, before you vote on this amendment, look at the Supreme Court's decision of health in the context as set forth in Doe versus Bolton. Health involves all factors: physical, emotional, psychological, and the woman's age relevant to her well-being.

In light of that definition, a vote for this is a vote for partial-birth abortion on demand because there just is not any reason why you could not have one under that definition. A health exception to this bill's ban on partial-birth abortions is, quite literally, an exception that would consume the rule.

In other words, in the abortion context, the word ''health'' in an exception, is a legal term of art, translated into plain English means abortion on demand.

I say, if that is not the case, then I ask my colleagues on the other side, including the Senator from California, to simply stand up and say, ''I would not support aborting a child by the partial-birth abortion method.''

If a woman came in and said, ''I am 8 months pregnant, Dr. Haskell. I have a single baby and I do not want it.'' I say she should not have that abortion. If the Senator from California should stand up and say that, we will have made progress. I hope she says it, but do not hold your breath. If she does not say it, we know what the real agenda is—abortion on demand, not just regular abortion.

This kind of abortion, scissors, catheter, something you would not do to your dog or your cat. You know you would not. You know you would not do it. There is no way that you would do it. Why would you do it to a child? Why would you allow it to be done to a child?

To be sure, Senator BOXER made a cosmetic attempt to narrow the definition of health by saying, ''Serious adverse health consequences to the woman.'' But the fact remains that under Senator BOXER's amendment, whether there is a serious adverse health consequence to the mother is left solely to the judgment of the attending physician. In other words, the sole medical judgment of the abortionist, the sole medical judgment of Dr. Haskell and his fellow birth abortionists.

The interesting point, all this talk of life of the mother, if it is your daughter and she is in that situation, or your wife, would you take her to an abortion clinic if her life was threatened or would you take her to a hospital? These are performed in abortion clinics. That is interesting, is it not?

In short, Madam President, this narrowing language does not narrow her health exception one iota. The words ''serious and adverse'' are so clearly subjective, vague and broad as to be utterly meaningless and provides no meaning. Senator BOXER's amendment remains the partial-birth abortion on demand amendment.

In conclusion, I urge my colleagues, I plead, plead, plead with my colleagues one time, let us end this one, horrible, disgusting type of abortion. Let us have the courage to do it. These little kids cannot stand up here on the floor of the Senate. They do not have anybody. They cannot stand here. The ones that are killed never get a chance to stand here. They are not going to be the first woman President. They are not going to be the first minority President. They will not be President of anything.

Do you know what their sin is? They happen to be in the womb of somebody who does not want them. That is their sin. If they were in the womb of somebody who wanted them after 8½ months, they would be allowed to be free and be born and live under the Constitution of the United States. That is their sin. That is their sin. We can do better than that in this country. We have more important things to do than that.

I yield the floor.

Mr. HELMS. First of all, Mr. President, I think all of us who understand this issue are grateful to the Senator from New Hampshire for his courage and his tenacity in standing up for the unborn, particularly those who have been and otherwise may be destroyed in the most gruesome and horrible way—a partial-birth abortion. I personally am indebted to Senator SMITH, and I admire him very much.

Mr. President, about a month ago, the Senate decided to send H.R. 1833, the Partial-Birth Abortion Ban Act, to the Judiciary Committee with instructions that Senator HATCH and his committee hold at least one hearing and then return the bill to the Senate calendar within 19 days.

The Judiciary Committee has held that hearing and despite the rehashed charges of opponents of this bill, the U.S. Senate can no longer shirk its responsibility. Senator DOLE, by offering a life-of-the-mother exemption to H.R. 1833, has offered a provision that preserves the innocent lives of babies but also answers charges that the original bill did nothing to preserve the lives of the mothers.

Mr. President, Senators have no more excuses. Senators must decide, and should decide soon, whether they will approve a gruesome procedure that is both inhuman and heartless. Senators have heard the partial-birth abortion procedure described. They have seen the graphic depictions. It can easily and factually be said, as Senator SMITH and I discussed when the bill first came to the Senate on November 7, that these innocent, tiny babies are just 3 inches from the protection of the law, only to be mercilessly deprived of their right to live and to love and to be loved.

Senators should also decide whether they will disregard the medical facts and enlightening testimony presented to the Judiciary Committee which confirmed what proponents of the original bill have argued in the House of Representatives and in the Senate—that the voices of tiny babies are being silenced so that a woman can continue to choose to have an abortion in the third trimester.

Let me add, if Senators miss this opportunity to criminalize partial-birth abortions, they will be thumbing their noses at the American public whose outcry against partial-birth abortions is overwhelming.

Mr. President, I was pleased as the House of Representatives listened to the American people and overwhelmingly passed the Partial-Birth Abortion Ban Act by a vote of 288–139 on November 1. If the Senate now follows, as it should, the House's example—and I sincerely hope that the Senate will—the burden then will shift to President Clinton who is more than ready, he says, to use his veto pen in order to appease the pro-abortion lobby unless weighty restrictions are added to the bill.

And that is where we stand today as the Senate has heard from the chorus of Senators, many of whom have taken their marching orders from the powerful abortion lobby. Opponents of the bill have done their best to explain the medical necessity of a procedure that legally allows a doctor to partially deliver a baby, feet-first from the womb, only to have his or her brains brutally removed via the doctor's instruments.

However, Mr. President, these objections by the bill's opponents are hollow attempts to whitewash a hideous wrong. For instance, they continue to persuade Senators that partial-birth abortions are medically necessary in order to preserve the health of pregnant women.

Of course, ask NARAL and the other proabortion groups to define a ''medically necessary'' situation and you'll hear a variety of answers including ''emotional stress,'' ''depression,'' or ''psychological indecision.'' NARAL even defined ''medically necessary'' abortions as ''a term which generally

includes the broadest range of situations for which a state will fund abortion.''—''Who Decides? A Reproductive Rights Issues Manual—1990''.

Mr. President, I suggest we ask the American people who are ringing the phones off the hooks of Senate offices whether they see eye to eye with NARAL and other pro-abortion groups. They are not fooled. They recognize these semantic games as a smokescreen to demand abortion at any time, for any reason.

More importantly, the medical evidence declares that this procedure is not needed to protect the health of the mother in a late-term crisis pregnancy. Don't take it from me. Take it from Dr. Pamela E. Smith, Director of Medical Education in the Department of Obstetrics and Gynecology at Chicago's Mount Sinai Hospital.

Dr. Smith, in her November 4 letter to me, states that assertions implying that a partial-birth abortion is needed to protect the health of a woman in a late-term complicated pregnancy is ''deceptive and patently untrue.'' Dr. Smith even goes as far to explain in her October 28 letter to Congressman CHARLES CANADY that such a procedure, in fact, presents medical risks to the patient.

In her testimony before the Judiciary Committee on November 17, Dr. Smith asks an important question that I wish every opponent of this bill would attempt to answer, and it is this:

> Why would a procedure considered to impose a significant risk to maternal health when it is used to deliver a baby alive, suddenly become the ''safe method of choice'' when the goal is to kill the baby?

Mr. President, I ask unanimous consent that Dr. Smith's letter from November 4, 1995, her letter from October 28, 1995, and her November 17 testimony before the Judiciary Committee be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Even Dr. Warren Hern—author of ''Abortion Practice,'' considered by the American Medical Association as the Nation's most widely used textbook on abortion standards and procedures—boldly disputes the safety of this late-term abortion, calling it ''potentially dangerous.''

Ask Dr. Hern what he thinks about partial-birth abortions as a safe option for late-term abortions. Let me repeat Dr. Hern's comments from a November 20 article in the American Medical News. He says, ''You really can't defend it,'' referring to a partial-birth abortion. He continues, ''I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it.''

Mr. President, I ask unanimous consent that the November 20, 1995, American Medical News article titled, ''Outlawing Abortion Method,'' be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Mr. President, allow me to address one more objection raised by opponents of this bill. In fact, the National Abortion Federation raised it with me in a November 3 letter, complete with pictures of severely abnormal babies. The NAF claims that it is the tragedy of deformed and abnormal babies that has produced a need for partial-birth abortions. Without this procedure, they portend, a pregnant woman's health will be threatened—Dr. Smith and other doctors have already refuted this point—and such abnormalities are ''incompatible with life.''

Now, Mr. President, nobody, in their right mind, would ever wish for a mother and father to face the heartbreaking experience of their newborn being delivered with a severe abnormality. Nobody would ever want a child to endure the physical and emotional scars of a physical deformity. Yet, for these reasons, they claim partial-birth abortions should remain legal.

Again, I disagree and ask opponents of the bill to consider the reasons given by Dr. Martin Haskell, a noted proponent and practitioner of partial-birth abortions, as to why this procedure is conducted. Dr. Haskell, in a 1993 interview with American Medical News, states that 20 percent are conducted for genetic reasons, and the other 80 percent are purely elective—purely to get rid of the child.

And according to materials presented to a House Judiciary subcommittee, the non-elective reasons given for a partial-birth abortion conducted by the late Dr. James McMahon included such ''flaws'' as a cleft palate. Are these the type of genetic reasons these babies suffer painful deaths?

Mr. President, the facts are in and I will not belabor them further. But they clearly prove that partial-birth abortions are unnecessary to preserve the health of a woman in a late-term complicated pregnancy. Simply put, a partial-birth abortion is another means for a woman to terminate her unwanted child very late in pregnancy.

I urge my colleagues, do not be deceived by the pro-abortion rhetoric which would have you believe that this cruel procedure is needed. Instead, listen to the advice of medical experts. Consider the outcry of the American people who recognize partial-birth abortions as inhuman and stand up for the most helpless and innocent human beings imaginable.

I thank the distunguished Senator from New Hampshire, and I admire him and the great work he has done. I yield the floor.

EXHIBIT 1

NOVEMBER 4, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: I am a medical doctor, board certified in the specialty of obstetrics and gynecology. I am also in the process of completing a master's in public health with enhanced analytical skills in maternal and child health at the University of Illinois at Chicago. For the past 15 years I have practiced in the inner city of Chicago and currently I am the Director of Medical Education in the Department of Obstetrics and Gynecology at Mt. Sinai Hospital; a member of the Association of Professors in Gynecology and Obstetrics; and the President Elect of the American Association of Profile Obstetricians and Gynecologists. It has recently been brought to my attention that on November 7th the Senate will consider the Partial Birth Abortion Ban. As a fellow citizen I urge you to support this legislation.

As you are probably aware the partial birth abortion procedure involves delivering a human fetus by breach extraction until only the head remains inside the birth canal. The practitioner then kills the baby by inserting a pair of scissors into the base of the skull and removing the baby's brains with a vacuum. This is the procedure the proposed bill seeks to ban.

Last week, despite a tremendous amount of medical misinformation given by the opponents of H.R. 1833, the Partial Birth Abortion Ban received strong support in its passage in the House. As this measure is now being presented for Senate consideration please be aware of the following medical facts:

1. Opponents insinuated that aborting a living human fetus is sometimes necessary to preserve the reproductive potential and/or life of the mother. Such an assertion is deceptive and patently untrue. Even if the fetus is grotesquely malformed, a living intrauterine pregnancy is not a health risk to its mother unless the woman suffers from extremely rare medical problems that would preclude pregnancy under any circumstances.

2. Partial birth abortion is a surgical technique devised by secluded abortionists in the unregulated abortion industry to save them the trouble of ''counting the body parts'' that are produced in dismemberment procedures. It is not a ''standard of care'' for anything. Equally important is the fact that the risks involved in dismemberment procedures and partial birth abortion include istrogenically produced cervical incompetence and uterine rupture. Medical alternatives (like prostaglendine) do not pose these risks but have the undesirable ''side effect'' of sometimes producing a living child. Women who were ''counseled'' by abortionists that they were submitting themselves to a procedure that was ''safe'' and that would insure their future reproductive potential were deceived and lied to. These women actually risked losing their uterus or their lives by submitting to these dangerous intrauterine extractions.

3. In breach extractions frequently the baby's head ''slips out.'' Since the practitioners of this procedure (who by their own reports up until 1993 had performed at least 3,000 of these procedures) have never reported a survivor you can be assured that some of these fetuses were constitutional persons who were murdered.

4. The baby is alive throughout the entire procedure until the scissors are jammed into the base of the skull.

5. There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

Additionally, given the recent attempts by the ACGME to coerce OBGYN residents into becoming abortion providers, many profile and prochoice physicians in training are concerned that they will be forced to witness and/or participate in gruesome abortion

techniques. Most of these individuals support the decriminalization of abortion . . . but are extremely uncomfortable with procedures that destroy a life that is undeniably human.

I therefore urge you to consider these factors during the deliberations on this bill. The health status of women and children in this country can only be enhanced by banning partial birth abortions.

Sincerely,

PAMELA E. SMITH, M.D., FACOG.

OCTOBER 28, 1995.

Hon. CHARLES CANADY,
Chairman, Subcommittee on the Constitution, House Committee on the Judiciary, Washington, DC.

DEAR CONGRESSMAN CANADY: It has recently been brought to my attention that opponents of HR 1833 have stated that this particular abortion technique should maintain its legality because it is sometimes employed by physicians in the interest of maternal health. Such an assertion not only runs contrary to facts but ignores the reality of the risks to maternal health that are associated with this procedure which include the following:

1. Since the procedure entails 3 days of forceful dilatation of the cervix, the mother could develop cervical incompetence in subsequent pregnancies resulting in spontaneous second trimester pregnancy losses and necessitating the placement of a cerclage (stitch around the cervix) to enable her to carry a fetus to term.

2. Uterine rupture is a well known complication associated with this procedure. In fact, partial birth abortion is a ''variant'' of internal podalic version . . . a technique sometimes used by obstetricians in this country with the intent of delivering a live child. However, internal podalic version, in this country, has been gradually replaced by Cesarean section in the interest of maternal as well as fetal well being (see excerpts from the standard text Williams Obstetrics pages 520, 521, 865 and 866).

Furthermore, obstetrical emergencies (such as entrapment of the head of a hydrocephalic fetus or of a footling breech that has partially delivered on its own) are never handled by employing this abortion technique. Cephalocentesis, (drainage of fluid from the head of a hydrocephalic fetus) frequently results in the birth of a living child. Relaxing the uterus with anesthesia, cutting the cervix (Duhrssen's incision) and Cesarean section are the standard of care for a normal, head entrapped breech fetus.

There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother. Partial birth abortion is a technique devised by abortionists for their own convenience . . . ignoring the known health risks to the mother. The health status of women in this country will thereby only be enhanced by the banning of this procedure.

Sincerely,

PAMELA E. SMITH, M.D.,
Director of Medical Education,
Department of Obstetrics and Gynecology.

TESTIMONY OF PAMELA SMITH, M.D. ON H.R. 1833, THE PARTIAL-BIRTH ABORTION BAN ACT, U.S. SENATE JUDICIARY COMMITTEE, WASHINGTON, DC, NOVEMBER 17, 1995

Mr. Chairman, honorable members of the Judiciary Committee, my name is Pamela Eleashia Smith. I am a medical doctor, board-certified in the specialty of obstetrics and gynecology, having received my training at Cornell University, Yale University, the University of Chicago, and Mt. Sinai Hospital in Chicago.

For the past 15 years I have practiced in the inner city of Chicago. I am currently the Director of Medical Education in the Department of Obstetrics and Gynecology at Mt. Sinai Hospital; an Assistant Professor at the Finch University/Chicago Medical School; a member of the American College of Obstetrics and Gynecologists; and the President-elect of the American Association of Pro-Life Obstetricians and Gynecologists.

Honorable senators, before I testified on this legislation on June 15, before the House Judiciary Committee's Subcommittee on the Constitution, I went around and described the procedure of partial-birth abortion to a number of physicians and laypersons who I knew to be pro-choice. They were horrified to learn that such a procedure was even legal.

I believe that it is safe to say that until the recent publicity occasioned by the movement of this legislation, most physicians, including obstetrician-gynecologists, knew nothing of this technique as an abortion method. But the partial-birth abortion method is strikingly similar to the technique of internal podalic version, or fetal breech extraction. Breech extraction is a procedure that is utilized by many obstetricians with the intent of delivering a live infant in the management of twin pregnancies, or single-infant pregnancies complicated by abnormal positions of the pre-born infant.

I would invite the members of the subcommittee to review the drawings of the fetal breech extraction method that I have attached to my written testimony, reproduced from Williams Obstetrics, a standard textbook. Compare this with the partial-birth abortion procedure, as laid out step-by-step by Dr. Martin Haskell in his instructional paper, ''Dilation and Extraction for Late Second Trimester Abortion.'' (In that paper, Dr. Haskell says that he ''coined'' the term ''dilation and extraction.'' Neither that term nor the term now favored by opponents of H.R. 1833, ''intact dilation and evacuation,'' can be found in any standard medical literature. There is nothing whatever misleading about the term utilized in the bill, ''partial-birth abortion.'')

In a total breech extraction, the physician—frequently with the aid of ultrasound—grasps the lower extremities of the baby. With the bag of waters serving as a buffer and cervical wedge, the physician pulls the infant towards the cervix and vagina. To facilitate the delivery of the head by flexion, care is taken to maintain the baby's spine in a position that points towards the mother's bladder.

Depending upon the size of the infant, an attempt may be made to delivery the baby without rupturing the bag of waters. In such a case, the bag of waters facilitates delivery of the head by mechanically maintaining cervical dilation. Should the bag of waters rupture and the head become entrapped, it can be released by cutting the cervix, or a Cesarean section can be performed to deliver the baby abdominally.

Partial-birth abortions, which according to the physicians who perform them have been done on babies from the ages of 19 weeks to full term, represent a perversion of the above technique. In these procedures, one basically relies on cervical entrapment of the head, along with a firm grip, to help keep the baby in place while the practitioner plunges a pair of scissors into the base of the baby's skull. The scissors also creates an opening for the insertion of a suction curette to remove the baby's brains.

If, my chance, the cervix is floppy or loose and the abortionist does not keep a good grip, he may encounter the dreadful ''complication'' of delivering a live baby—undoubtedly, a constitutional ''person'' with an inalienable right to life. Thus, the practitioner must take great care to insure that the baby does not move those additional few inches that would transform its status from one of an abortus to that of a living human child.

Another brazen attempt to mislead the American public as to the reality of the pain experienced by the victims of this procedure is the assertion that the anesthesia kills the baby. Such a statement runs contrary to published reports made by abortion practitioners, is not consistent with basic principles of the pharmacology of drug distribution in the pregnant female, and violates common sense. Twenty-five percent of all pregnancies in this country are delivered by Cesarean section and many women receive potent narcotics to relieve their pain during labor. Yet it is essentially unheard of that a human fetus in labor dies secondary to anesthesia given to its mother.

I note that the American Society of Anesthesiologists issued the following statement recently:

Recent debate in the U.S. House of Representatives and Senate regarding late-term abortions has resulted in the distribution of misleading and potentially dangerous information to the public. The procedure, described in the media and during congressional debate, was developed by the late Dr. James T. McMahon. In testimony before Congress last June, Dr. McMahon incorrectly stated that the fetus dies from the anesthesia administered to the mother.

According to the president of the American Society of Anesthesiologists (ASA), Dr. Norig Ellison, the anesthesia administered to the mother in connection with such a procedure does not kill the fetus. Very little anesthesia crosses the placenta when general anesthesia is administered to the mother, and many pregnant women are safely anesthetized every day without ill effects to the fetus.

ASA is concerned that because of publicity given to Dr. McMahon's erroneous testimony, pregnant women may delay necessary and perhaps lifesaving medical procedures due to misinformation regarding the effect of anesthetics on the fetus.

Of course, if a baby really were dead, H.R. 1833 would not apply, since the definition of ''partial-birth abortion'' is ''an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus * * *''

The cruelty of this treatment of the human fetus is quite evident to those who do not avert their gaze or close their minds. But these abortion procedures also carry with them significant risks to maternal health.

Partial-birth abortion is not a standard of care for anything. In fact, partial-birth abortion is a perversion of a well-known technique used by obstetricians to delivery breech babies when the intent is to delivery the child alive. However, as the enclosed references in Williams ''Obstetrics'' readily document, this technique is rarely used in this country because of the well known associated risk of maternal hemorrhage and uterine rupture. The 19th edition of Williams ''Obstetrics'' states the following in regards to the safety of this method of breech delivery:

''Despite numerous attempts to defend or condemn this procedure, there is presently insufficient evidence to document its safety . . . There are few, if any indications for internal podalic version other than the delivery of a second twin. The possibility of serious trauma to the fetus and the mother during internal podalic version of a cephalic presentation is apparent . . .''

Why would a procedure that is considered to impose a significant risk to maternal

health when it is used to delivery a baby alive, suddenly become the ''safe method of choice'' when the goal is to kill the baby? And if abortion providers wanted to demonstrate that somehow this procedure would be safe in late-pregnancy abortions, even though its use has routinely been discouraged in modern obstetrics, why didn't they go before institutional review boards, obtain consent to perform what amounts to human experimentation, and conduct adequately controlled, appropriately supervised studies that would insure accurate, informed consent of patients and the production of valid scientific information for the medical community?

It is also noteworthy that even leading authorities on late-term abortion methodology have expressed the gravest reservations regarding this technique. Consider, for example, this excerpt from an article in the November 20 edition of American Medical News, the official newspaper of the American Medical Association.

''I have very serious reservations about this procedure,'' said Colorado physician Warren Hern, MD, the author of ''Abortion Practice,'' the nation's most widely used textbook on abortion standards and procedures. Dr. Hern specializes in late-term procedures . . . [O]f the procedure in question he says, ''You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it.''

Dr. Hern's concerns center on claims that the procedure in late-term pregnancy can be safest for the pregnant woman and that without this procedure women would have died. ''I would dispute any statement that this is the safest procedure to use,'' he said.

Turning the fetus to a breech position is ''potentially dangerous,'' he added. ''You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that.''

Dr. Hern said he could not imagine a circumstance in which this procedure would be safest. He did acknowledge that some doctors use skull-decompression techniques, but he added that in those cases fetal death has been induced and the fetus would not purposely be rotated into a breech position.

The behavior of the abortion industry in regards to this current controversy is chillingly reminiscent of the Tuskegee syphilis experiment conducted by medical and public health personnel over two decades ago. In this infamous study, poor black men were deceived and lied to and a known lifesaving treatment option was withheld so that the researchers could follow the ''natural course'' of the disease. Apparently some individuals in our country failed to learn a valuable lesson from this tragic chapter in our nation's recent history. Pregnant women should not be experimented upon under the guise of a deceptive rubric called ''choice.''

Furthermore, since the partial-birth abortion procedure requires three days of forceful dilation of the cervix, the mother could develop cervical incompetence in subsequent pregnancies, resulting in spontaneous second-trimester pregnancy losses and necessitating the placement of a cerclage (stitch around the bottom of the womb) to enable her to carry a baby to term. It is therefore a fact that this procedure represents a risk to future fertility of the patient. It does not represent the safest way for the patient to maintain her fertility, as abortion advocates proclaim.

Opponents of HR 1833 have also argued that ''decreasing the size of the fetal head to allow delivery'' is done to save the mother the risk of ''ripping and tearing'' the bottom of the womb. But in fact, the standard of care for handling a baby who is breech with an entrapped head at the cervix is not partial-birth abortion. Caphalocentesis (drainage of fluid from the head of a hydrocephalic fetus) frequently results in the birth of a living child. Relaxing the uterus with anesthesia, cutting the cervic (Duhrssen's incision), and Cesarean section are the recognized options in the medical community to deal with this obstetrical problem.

In short, there are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the life or health of the mother.

Opponents of HR 1833 have similarly erroneously declared that the partial-birth abortion method is necessary to protect the ''emotional health'' of the mother. Certainly, I do not lightly dismiss the accounts of women and families who have experienced the anguish of learning, late in pregnancy, that their babies have serious or even lethal disorders. In my own years of practice and training, I have taken care of many women who were carrying babies with fatal fetal anomalies. My most recent such patient was a 19-year-old female who was pregnant for the third time. Her previous two pregnancies were remarkable for severe nausea and vomiting, and she delivered two children who died before they were two months old secondary to heart abnormalities. With her current pregnancy the patient was weak, dehydrated, and emotionally torn between the desire to bear a child and the horrible prospect of attending another funeral. Our clinic staff, all of whom are pro-life, counseled her on her options, supported her medically in the hospital, and respected her initial decision to terminate her pregnancy. However, the next day, the patient's nausea and vomiting receded, she changed her mind, and now intends to carry the baby to term.

Which brings to mind another erroneous insinuation presented by opponents of HR 1833: the assertion that as soon as a patient is discovered to have a fetus with an anomaly, the pregnancy must be aborted immediately because the baby has a high chance of dying before labor begins, representing a threat to the life of the mother. Such a claim is deceptive. It is often intended to sell the patient on the abortion option.

First of all, it is not the standard of care to immediately terminate the life of a living fetus just because that baby has abnormalities. What is appropriate is to inform the patient of your clinical suspicions, discuss with her all of the options, as well as the risks associated with terminating her pregnancy prematurely, and then develop a plan of management that respects the patient's values and emotional needs. Many women opt to continue such pregnancies.

Although it is highly unlikely that the partial-birth abortion procedure would ever be needed to save a woman's life, HR 1833 specifically states that the procedure would be allowed if the doctor ''reasonably believed'' that it was necessary to save the mother's life, and that no other procedure would suffice. Abortion providers, however, are fully aware that a lot of other procedures would suffice—but they are primarily interested in making sure that their job of terminating human life can be done according to their own convenience. With the partial-birth method of abortion, the provider is saved the trouble of assembling ''baby parts'' to make sure that nothing was left inside.

Earlier this year, the late Dr. James McMahon provided to the House Judiciary subcommittee a list of a self-selected sample of 175 cases in which he utilized the partial-birth procedure for so-called ''maternal indications.'' Of this list, one-third (33%) of the time the partial-birth procedure would be more appropriately classified as a contra-indication, because the mother already had medical problems that are associated with excessive bleeding, infection or a need to be delivered quickly. These conditions include eclampsia, abruptio placenta, amnionitis, premature rupture of membranes, incompetent cervix, and blood clotting abnormalities.

In addition, another 22% (39 cases) were for maternal ''depression,'' and 16% for conditions consistent with the birth of a normal child (e.g., sickle cell trait, prolapsed uterus, small pelvis).

Opponents of HR 1833 have also asserted that the term ''elective'' means that the doctor elects to do this procedure rather than to do some other one. I would invite any individual in this country to ask their doctor what the term ''elective surgery'' means. Or look the word up in the dictionary. It refers to procedures that are optional. In a tape-recorded 1993 interview with American Medical News, Dr. Martin Haskell explicitly distinguished between the 20 percent of his ''extraction'' procedures (as he calls them) that he said involved fetuses with genetic problems, and the 80 percent that are, in his words, ''purely elective.''

HR 1833 has already been immensely useful in educating the American public as to the need to keep a watchful eye, in the interest of maternal well being, on the activities of the abortion industry. Enactment of this legislation is needed both to protect human offspring from being subjected to a brutal procedure, and to safeguard the health of pregnant women in America.

EXHIBIT 2

[From the American Medical News, Nov. 20, 1995]

OUTLAWING ABORTION METHOD

(By Diane M. Gianelli)

WASHINGTON.—His strategy was simple: Find an abortion procedure that almost anyone would describe as ''gruesome,'' and force the opposition to defend it.

When Rep. Charles T. Canady (R, Fla.) learned about ''partial birth'' abortions, he was set.

He and other anti-abortion lawmakers launched a congressional campaign to outlaw the procedure.

Following a contentious and emotional debate, the bill passed by an overwhelming—and veto-proof—margin: 288–139. It marks the first time the House of Representatives has voted to forbid a method of abortion. And although the November elections yielded a ''pro-life'' infusion in both the House and the Senate, massive crossover voting occurred, with a significant number of ''pro-choice'' representatives voting to pass the measure.

The controversial procedure, done in second- and third-trimester pregnancies, involves an abortion in which the provider, according to the bill, ''partially vaginally delivers a living fetus before killing the fetus and completing the delivery.''

''Partial birth'' abortions, also called ''intact D&E'' (for dilation and evacuation), or ''D&X'' (dilation and extraction) are done by only a handful of U.S. physicians, including Martin Haskell, MD, of Dayton, Ohio, and, until his recent death, James T. McMahon, MD, of the Los Angeles area. Dr. McMahon said in a 1993 AMNews interview that he had trained about a half-dozen physicians to do the procedure.

The procedure usually involves the extraction of an intact fetus, feet first, through the birth canal, with all but the head delivered. The surgeon forces scissors into the base of the skull, spreads them to enlarge the opening, and uses suction to remove the brain.

The procedure gained notoriety two years ago, when abortion opponents started running newspaper ads that described and illustrated the method. Their goal was to defeat

an abortion rights bill then before Congress on grounds it was so extreme that states would have no ability to restrict even late-term abortions on viable fetuses. The bill went nowhere, but strong reaction to the campaign prompted anti-abortion activities to use it again.

* * * * *

MIXED FEELINGS IN MEDICINE

The procedure is controversial in the medical community. On the one hand, organized medicine bristles at the notion of Congress attempting to ban or regulate any procedures or practices. On the other hand, even some in the abortion provider community find the procedure difficult to defend.

''I have very serious reservations about this procedure,'' said Colorado physician Warren Hern, MD. The author of *Abortion Practice*, the nation's most widely used textbook on abortion standards and procedures, Dr. Hern specializes in late-term procedures.

He opposes the bill, he said, because he thinks Congress has no business dabbling in the practice of medicine and because he thinks this signifies just the beginning of a series of legislative attempts to chip away at abortion rights. But of the procedure in question he says. ''You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it.''

Dr. Hern's concerns center on claims that the procedure in late-term pregnancy can be safest for the pregnant women, and that without this procedure women would have died. ''I would dispute any statement that this is the safest procedure to use,'' he said.

Turning the fetus to a breech position is ''potentially dangerous,'' he added. ''You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that.''

Pamela Smith, MD, director of medical education, Dept. of Ob-Gyn at Mt. Sinai Hospital in Chicago, added two more concerns: cervical incompetence in subsequent pregnancies caused by three days of forceful dilation of the cervix and uterine rupture caused by rotating the fetus within the womb.

''There are absolutely no obstetrical situations encountered in the country which require a partially delivered human fetus to be destroyed to preserve the life of the mother,'' Dr. Smith wrote in a letter to Canady.

The procedure also has its defenders. The procedure is a ''well-recognized and safe technique by those who provide abortion care.'' Lewis H. Koplik, MD, an Albuquerque, N.M., abortion provider, said in a statement that appeared in the *Congressional Record*.

''The risk of severe cervical laceration and the possibility of damage to the uterine artery by a sharp fragment of calvarium is virtually eliminated. Without the release of thromboplastic material from the fetal central nervous system into the maternal circulation, the risk of coagulation problems, DIC [disseminated intravascular coagulation], does not occur. In skilled hands, uterine preformation is almost unknown,'' Dr. Koplik said.

Bruce Ferguson, MD, another Albuquerque abortion provider, said in a letter released to Congress that the ban could impact physicians performing late-term abortions by other techniques. He noted that there were ''many abortions in which a portion of the fetus may pass into the vaginal canal and there is no clarification of what is meant by 'a living fetus.' Does the doctor have to do some kind of electrocardiogram and brain wave test to be able to prove their fetus was not living before he allows a foot or hand to pass through the cervix?''

Apart from medical and legal concerns, the bill's focus on late-term abortion also raises troubling ethical issues. In fact, the whole strategy, according to Rep. Chris Smith (R, N.J.), is to force citizens and elected officials to move beyond a philosophical discussion of ''a woman's right to choose,'' and focus on the reality of abortion. And, he said, to expose those who support ''abortion on demand'' as ''the real extremists.''

Another point of contention is the reason the procedure is performed. During the Nov. 1 debate before the House, opponents of the bill repeatedly stated that the procedure was used only to save the life of the mother or when the fetus had serious anomalies.

Rep. Vic Fazio (D. Calif.) said, ''Despite the other side's spin doctors—real doctors know that the late-term abortions this bill seeks to ban are rare and they're done only when there is no better alternative to save the woman, and, if possible, preserve her ability to have children.''

Dr. Hern said he could not imagine a circumstance in which this procedure would be safest. He did acknowledge that some doctors use skull-decompression techniques, but he added that in those cases fetal death has been induced and the fetus would not purposely be rotated into a breech position.

Even some physicians who specialize in this procedure do not claim the majority are performed to save the life of the pregnant woman.

In his 1993 interview with AMNews, Dr. Haskell conceded that 80% of his late-term abortions were elective. Dr. McMahon said he would not do an elective abortion after 26 weeks. But in a chart he released to the House Judiciary Committee, ''depression'' was listed most often as the reason for late-term nonelective abortions with maternal indications. ''Cleft lip'' was listed nine times under fetal indications.

The accuracy of the article was challenged, two years after publication, by Dr. Haskell and the National Abortion Federation, who told Congress the doctors were quoted ''out of context.'' AMNews Editor Barbara Bolsen defended the article, saying AMNews ''had full documentation of the interviews, including tape recordings and transcripts.''

Bolsen gave the committee a transcript of the contested quotes, including the following, in which Dr. Haskell was asked if the fetus was dead before the end of the procedure.

''No it's not. No, it's really not. A percentage are for various numbers of reasons. Some just because of the stress—intrauterine stress during, you know, the two days that the cervix is being dilated. Sometimes the membranes rupture and it takes a very small superficial infection to kill a fetus in utero when the membranes are broken.

''So in my case, I would say probably about a third of those are definitely dead before I actually start to remove the fetus. And probably the other two-thirds are not,'' said Dr. Haskell.

In a letter to Congress before his death, Dr. McMahon stated that medications given to the mother induce ''a medical coma'' in the fetus, and ''there is neurological fetal demise.''

But Watson Bowes, MD, a maternal-fetal specialist at University of North Carolina, Chapel Hill, said in a letter to Canday that Dr. McMahon's statement ''suggests a lack of understanding of maternal-fetal pharmacology. . . Having cared for pregnant women who for one reason or another required surgical procedures in the second trimester, I know they were often heavily sedated or anesthetized for the procedures, and the fetuses did not die.''

NEXT MOVE IN THE SENATE

At AMNews press time, the Senate was scheduled to debate the bill. Opponents were lining up to tack on amendments, hoping to gut the measure or send it back to a committee where it could be watered down or rejected.

In a statement about the bill, President Clinton did not use the word ''veto.'' But he said he ''cannot support'' a bill that did not provide an exception to protect the life and health of the mother. Senate opponents of the bill say they will focus on the fact that it does not provide such an exception.

The bill does provide an affirmative defense to a physician who provides this type of abortion if he or she reasonably believes the procedure was necessary to save the life of the mother and no other method would suffice.

But Rep. Patricia Schroeder (D, Colo.) says that's not sufficient. ''This means that it is available to the doctor after the handcuffs have snapped around his or her wrists, bond has been posted, and the criminal trial is under way,'' she said during the House debate.

Canady disagrees. ''No physician is going to be prosecuted and convicted under this law if he or she reasonably believes the procedure is necessary to save the life of the mother.''

ORGANIZED MEDICINE POSITIONS VARY

The physician community is split on the bill. The California Medical Assn., which says it does not advocate elective abortions in later pregnancy, opposes it as ''an unwarranted intrusion into the physician-patient relationship.'' The American College of Obstetricians and Gynecologists also opposes it on grounds it would ''supersede the medical judgment of trained physicians and . . . would criminalize medical procedures that may be necessary to save the life of a woman,'' said spokeswoman Alice Kirkman.

The AMA has chosen to take no position on the bill, although its Council on Legislation unanimously recommended support. AMA Trustee Nancy W. Dickey, MD, noted that although the board considered seriously the council's recommendations, it ultimately decided to take no position, because it had concerns about some of the bill's language and about Congress legislating medical procedures.

Meanwhile, each side in the abortion debate is calling news conferences to announce how necessary or how ominous the bill is. Opponents highlight poignant stories of women who have elected to terminate wanted pregnancies because of major fetal anomalies.

Rep. Nita Lowey (D. N.Y.) told the story of Claudia Ames, a Santa Monica woman who said the procedure had saved her life and saved her family.

Ames told Lowey that six months into her pregnancy, she discovered the child suffered from severe anomalies that made its survival impossible and placed Ames' life at risk.

The bill's backers were ''attempting to exploit one of the greatest tragedies any family can ever face by using graphic pictures and sensationalized language and distortions,'' Ames said.

Proponents focus on the procedure's cruelty. Frequently quoted is testimony of a nurse, Brenda Shafer, RN, who witnessed three of these procedures in Dr. Haskell's clinic and called it ''the most horrifying experience of my life.

''The baby's body was moving. His little fingers were clasping together. He was kicking his feet.'' Afterwards, she said, ''he threw the baby in a pan.'' She said she saw the baby move. ''I still have nightmares about what I saw.''

Dr. Hern says if the bill becomes law, he expects it to have ''virtually no significance'' clinically. But on a political level, ''it is very, very significant.''

''This bill's about politics,'' he said, ''it's not about medicine.''

Ms. MOSELEY-BRAUN. I thank the Senator from California for sharing time and I ask unanimous consent to be added as a cosponsor of her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Madam President, I continue to be astounded when I consider the extent to which a woman's constitutional right to choice has been taken away in this, the 104th Congress.

First came the Hyde amendment limiting a poor woman's reproductive choice because Government contributed to the payment of her health care. Then came the battle of parental notification, limiting very young women in their reproductive choices because of their age—not their condition. Then came the battle over military hospitals, limiting military women in their reproductive choices because they or their spouse chose to serve their country. Then came the battle over Federal health insurance, limiting Federal employees and their reproductive choices because they work for the Government.

Now, Madam President, the battle is over this legislation to fine or jail doctors who perform safe, legal, medical procedures, abortions for women who need them late in their pregnancy.

Madam President, today as it has been since the landmark 1973 Supreme Court decision of Roe v. Wade, the concept of reproductive freedom is under assault. Choice is a matter of freedom. Choice is a fundamental issue of the relationship of female citizens to their Government. Choice is a barometer of equality and a measure of fairness. Choice is central to our liberty.

While, Madam President, I do not believe in abortion personally, I do believe very strongly and fundamentally in the right to choose.

Today, the assault on reproductive choice has taken on a new ferocity. The procedure that has become the focus of this newest assault on choice is a very rare—which you have heard many times—a rare medical procedure used to terminate pregnancies late in the term when the life or health of the mother is at risk and/or when the fetus has severe—severe—abnormalities.

Only one or two doctors in the entire country perform this procedure, the procedure you have heard described. Yes; it is gruesome. But so is the circumstance. This procedure, however, although rare and even though it is gruesome, can be the most medically sound option for preserving the health and life of the woman whose life is at stake, the citizen whose life and liberty is at stake.

Madam President, H.R. 1833, the bill that this amendment relates to, is an unconstitutional, vague ban on the procedure that we have discussed here on the floor and is the vehicle for the newest assault on choice.

A doctor who performed an abortion, one of these late-term abortions, would face up to 2 years in prison and fines. The doctor and the house or the clinic where he or she worked would also be liable for civil action brought by the father of a fetus or the maternal parents of the woman, if she was under 18 years old.

As I said, this bill is vague. The definition of abortion as covered under this legislation is ''partial birth,'' a term used for its shock value, Madam President, not for its medical accuracy. There is no such medical term as partial birth.

Because doctors cannot agree on what this legislation is intended to ban, they are going to be frightened from performing legal abortions and medically necessary abortions because of the threat of civil or criminal prosecution.

This bill further provides no exception in cases where the banned procedure is used to save the life of the mother. Instead, a doctor would be required after being criminally charged to provide affirmative defense. We flip the whole presumption of innocence on its head and make a doctor provide an affirmative defense that he or she reasonably believed that no other method would save a woman's life.

Madam President, this is foolish and dangerous for us to do. The affirmative defense will result in doctors going to court and maybe even to jail for their efforts to save a citizen's life.

Madam President, even if a true life exception is substituted, there is no exception in this bill in cases where the health of the mother is endangered. It does not allow a doctor to do everything he or she can to protect the health and fertility of his or her patient.

Madam President, this bill is also the first time, to my knowledge, that Congress has attempted to tell a doctor what specific medical procedures he or she cannot perform. By choosing to arbitrarily prohibit one type of procedure and not others—and there are other options as has been discussed—by choosing just one type of procedure regardless of the effect on the life and health and the future reproduction options of the woman involved, this Congress will be micromanaging decisions that are best made in a physician's office.

If a doctor wants to perform an abortion that is covered by this bill, it is because he or she considers the procedure to be the most medically sound for the woman who is involved. Women are going to face life and health risks as well as the loss of fertility as they are forced—forced—to undergo even more hazardous procedures when their own life may be at stake.

Madam President, a couple weeks ago the Senate sent this bill to the Judiciary Committee for a hearing. At that hearing we were able to actually see firsthand some women and talk with some women who had made the hardest choice that any woman can make. Two of the women had the procedure that is referenced in this bill and one woman actually gave birth. All the women had agonized over the decision. It is, after all, the most intimate and most personal decision.

Before I talk about the constitutional policy implications of the legislation, I would like to retell the story of one of the women, Viki, from Naperville, IL. She was at that hearing a few weeks ago but did not have a chance to tell her story. I think it is important that her story be told, because I think she is a very brave person to come in this present environment and tell the story of what was a horrendous, heart-wrenching episode in her life.

Viki and her husband were expecting their third child. At 20 weeks she went for a sonogram and was told by her doctor that she and her baby were completely healthy. She named the baby boy Anthony. At 32 weeks, Viki took her two daughters with her to watch their brother on the sonogram. The technician did not say a word during the sonogram and asked Viki to come upstairs and talk with the doctor. She thought maybe it was because the baby was breech or there was another complication. She is a diabetic and any complication could be serious.

This is a picture of Viki and her family. It is a shame she did not get a chance to testify 2 weeks ago. The doctor at the time was too busy to see her, but called at 7 o'clock in the morning to say that the femurs, the leg bones, seemed a little short, but assured her there was a 99-percent chance that nothing was seriously wrong, but asked her to come in for a level 2 ultrasound.

Viki and her husband found out after the second ultrasound was performed that their child had no brain—no brain. There were eight abnormalities in all. Viki had to make the hardest decision of her life. This is how she explained it: ''I had to remove my son from life support—that was me.'' For Viki, the hardest thing for her as a parent, for any parent, to do is to watch a child be hurt. It is hard enough watching a child get teased at the bus station, much less make a decision such as she and her husband had to make.

The procedure that she underwent took four visits to the doctor. She received anesthesia on the first visit. Her son stopped moving on the first night. She knew at that point that he was gone. This was before the procedure to remove the actual fetus took place.

Having a D&E procedure was particularly important because Viki wanted to know if this was something she would pass to her two daughters. With a D&E an autopsy can be performed. It was an isolated situation, although tragic, and her girls will be able to have children of their own and not have the abnormalities that Viki faced with her son. Her D&E was the closest thing for her body to natural birth. She was able to preserve her fertility, and happily she is now, again, 30 weeks pregnant and

the baby that she is carrying looks fine.

This procedure, Madam President, that this Congress is talking about micromanaging to make illegal, saved this woman's ability to have other children, saved this family from having a child with no brain, born only to die moments after he came into this world.

Madam President, this is a true story about a real woman and a family handling an awful, horrible situation in the best way that it can. I know we have heard other stories. I think it is important that we put a real face on these stories because this is not some matter of abstract language. We have to talk about it in constitutional terms, and we have to talk about it in legal terms. We have to talk about it in medical terms. But the reality is this Congress is moving into the territory that we have no business in. I think it is important that we put a human face on it beyond the personal and constitutional implications.

I ask the Senator from California how much longer may I have?

The PRESIDING OFFICER. The Senator from California has 34 minutes.

Mrs. BOXER. Madam President, I yield 5 minutes to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Under H.R. 1833 women will lose a constitutionally based right. Under Roe versus Wade and Planned Parenthood versus Casey, the Supreme Court standard is that a State may not prohibit post-viability abortions necessary to preserve the life or health of a woman. Under H.R. 1833/S. 939, the only recourse is an affirmative defense and even then, this is only for life.

In other words, if you wind up unable to have other children, if you wind up ruined for life, that is OK under this bill.

While H.R. 1833/S. 939 is focused on late-term abortions, doctors who perform early-term abortions by the loosely defined means covered by the bill are subject to the same liability. Choosing to have an abortion when the fetus is not yet viable is clearly a constitutionally protected right under Roe versus Wade. This bill changes that.

This assault on a woman's constitutional rights and this Congress' relentless attack on a woman's right to choose remind me of a famous poem by Martin Niemoller, a Protestant minister held in a German concentration camp for 7 years. I would like to again give you my own, more contemporary version of his parable. I call it ''The Assault on Reproductive Rights.''

First they came for poor women and I did not speak out—because I was not a poor woman

Then they came for the teenagers and I did not speak out—because I was no longer a teenager.

Then they came or women in the military and I did not speak out—because I was not in the military.

Then they came for women in the Federal Government and I did not speak out—because I did not work for the Government.

Then they came for the doctors and I did not speak out—because I was not a doctor.

Then they came for me—and there was no one left to speak out for me.

Madam President, the fight on this issue is a quintessential fight for freedom. The issue here is whether or not women who are living, breathing citizens of this United States will enjoy the constitutional protection to make the most personal of all decisions—the decision whether or not to reproduce, and whether or not to sacrifice their lives in cases such as that Viki and her family had to go through. That is what is at issue here.

I am not prepared—and I do not believe that it is appropriate—for us to substitute the judgment of the Government, the judgment of the Members of this body, for the judgment of these women, of their families, of their doctors, of their priests, of their pastors. I do not think that it is our business to get that involved in an intimate decision such as this—to tell a woman, no, you may not save your life, or protect your future fertility because some Congressman had an idea that he wanted to pass a law that restrains you in decisions about your own body and your own health. When Viki made the decision to remove her child from life support—her body, and that is what it was—she made a decision with the help of her husband and her doctor that only she could make. The Government has no right to intervene in this relationship between a woman and her body, her doctor, and her God.

It is for that reason that I oppose this legislation, and I support the Boxer amendment.

I would like to also clarify for the RECORD, to make clear that there is right now in this bill no exception, no exception for life of the mother, and that is why the Boxer amendment is so important.

Again, we have no right, I believe, to intervene in the relationship between a woman and her own body, a citizen, in behalf of the fetus that is not yet a citizen. Obviously, we would all want to see life. We all support the idea of a right to life. Of course someone has a right to life. But do not living have rights also? And is not this Constitution written for them? And if it is written for them, is it not inappropriate for this Congress to intervene in areas in which we are not expert and we do not have the capability? I mean, we have no right at all to legislate.

And with that, Madam President, I yield the floor to the Senator from California.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Before my colleague from Illinois leaves the floor, I thank her especially for the updated version of that very famous poem that came out of the Nazi era. Of course, the point is that we need to speak up when people are losing their rights, and sometimes it is a lonely battle and sometimes we may lose it. But I believe deeply that America has a heart and soul and that men and women of goodwill, if they truly listen to this debate, recognize what it is about, and that is what we do trust each other to make tragic, personal, private decisions? Or do we want to hand it over to Senators and Congresspeople?

Ms. MOSELEY-BRAUN. That is right.

Mrs. BOXER. That is what the Senator pointed out. And I come down, and the Senator from Illinois comes down, and I know my colleague presiding tonight comes down on the side of allowing families, families like this, families like Vikki Stella's from Illinois to make those awfully difficult decisions.

I also wish to thank my colleague for really reviewing for us all of the things that have happened to women in this Congress. Many people do not realize that. When she gave us that updated version of the poem, she pointed out the poor women on Medicaid who do not have really have the right to choose anymore because they cannot afford it. This Congress will not allow them to use their Medicaid insurance to cover their right to choose; women in the District of Columbia who happen to have the misfortune of having Senators and Congressmen tell them what to do; Federal employees, women who pay for their own health insurance, a great part of it, no longer can use that insurance; and now any woman in America, any woman in America of any income level in any circumstance is being hit in her heart by the Smith-Dole bill, and it is very hurtful.

I am glad to yield to my colleague.

Ms. MOSELEY-BRAUN. Will the Senator yield?

I never cease to find it a little amusing—I know this gets on some difficult ground in these debates, but most of this debate takes place with people who themselves have never been pregnant.

Mrs. BOXER. That is correct.

Ms. MOSELEY-BRAUN. Quite frankly, having been there—and as the Senator knows, everyone in this Chamber knows, there is nothing more important in my entire life than my son Matthew, but I can tell you I gained 40 pounds, my teeth started to rot, I wound up hospitalized three times. I mean, who has not been through this, who has not been through this who has actually been through a pregnancy? So who can relate to the tragedy and to the emotion and to the physical demand of being in Viki's shoes, being here, pregnant out to here. Remember what it was like when you were pregnant out to here? I was like that in June. It was miserable. Pregnant out to here, only to discover the child that you are carrying, that you have an identification with has no brain, and this legislation would force that child to be born?

I thank the Senator from California for yielding, but I say to you that I think it is also very important that

those who cannot be pregnant really should think twice before they talk about this issue.

I thank the Senator.

Mrs. BOXER. I say to my friend, she makes a very good point, because we hear men in this Chamber talk about the joys of birth and the travel through the birth canal, and, yes, we hope every pregnancy is a joyous, wonderful, problem-free moment for every single woman in this country, regardless of her status in the country.

Unfortunately, we know also that is not the case and sometimes the baby is not safe in the womb and sometimes the mother could contract a terrible disease such as cancer and is faced with a choice where, if she carries through with the pregnancy, she could lose her life. And to have people in this Chamber stand up and say they want to be in that living room, in that hospital room, in that family conversation, frankly, makes me feel sick because we were not elected to be part of this family or any other family. We have our own families. Let us take care of our own families. And let us take care of the larger American family. But do not get into the private lives of these people. You have no right to do that. Nobody voted for you to do that. And that is what this is about.

Coreen Costello, the woman I have talked about over these last couple of days, said it best. When she found out this tragic news, she fell to her knees and prayed. She is very religious, very religious. She is a conservative Republican. She does not believe in abortion. And she said the last thing I wanted at that moment was a politician telling me what to do. And yet this bill would deny the Coreen Costellos and the Viki Wilsons an option to save their life, to protect their fertility, and their health because a majority of men in this Senate decided they know better than Viki and Viki's husband and Viki's doctors. What arrogance of power. That is what this debate is all about.

Madam President, I would like to be told when I have 10 minutes remaining on my side.

I am proud to add as original cosponsors to the Boxer amendment Senator BROWN, Senator SPECTER, Senator MURRAY, Senator LAUTENBERG, and Senator SNOWE. I ask unanimous consent that that be made part of the RECORD. And of course, Senator MOSELEY-BRAUN, whom we have already added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I will open up this debate by saying I do not appreciate when my comments are taken out of context. When I heard about the so-called life-of-the-mother exception, which is absolutely not a life-of-the-mother exception, I was elated that the Senator from New Hampshire was admitting that those of us who said there was no life exception in his bill were right, he finally agreed with us.

When I looked at the amendment, it was entitled ''Life-of-the-Mother Exception.'' I thought it was going to read like all of the life-of-the-mother exceptions which are very straightforward and simply say notwithstanding anything in this bill, there is an exception for the life of the mother. But, no, when I finally read it, I realized, if you will, it is a partial life exception. And this is what I said on the same night.

I have now had an opportunity to read it.

Meaning the amendment.

I want everyone to know that it is really not an exception for the life of the mother because what it says is, essentially, that this procedure will be banned except it will not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, illness, or injury.

I say to my friend, this is not a life-of-the-mother exception. That is a pre-existing situation. So, yes, if a woman had diabetes or some other disease, there would be an exception, but if, in fact, the birth itself endangered her life there would be no exception.

That is what I said after I saw the amendment. So let us get that clear, folks. Let us argue about what the differences are here and not try to trap each other into putting a spin on what we are doing.

Now, of course, I say to my colleagues, vote for the Smith-Dole amendment because at least it will help save the life of three or four women out of the couple of hundred a year that find themselves in this circumstance. No problem—vote for it. But then vote for the Boxer-Brown-Specter-Murray-Lautenberg-Snowe-Moseley-Braun amendment because that addresses a true exception for the life of the mother and an exception when serious adverse health risks to the mother exist.

Madam President, as I have said since this debate started, ''partial-birth abortion'' is not a medical term. There is no such thing as a ''partial-birth abortion.'' No medical text defines ''partial-birth abortion.'' None of the doctors who gave testimony at the Judiciary Committee could define it. It is a made-up term. It is made up by the antichoice forces so that people will get their emotions going.

What is the picture that emerges when you say partial-birth abortion? It sounds like a baby is being born and all of a sudden the mother says, I change my mind. How ridiculous that is. The fact of the matter is, there is no such thing. It is a late-term abortion that is done in an emergency procedure in a tragic situation. And that is what they are going about banning here, a procedure that is used, that is the safest, doctors say, many doctors say, to save the life of the mother or protect her health, her future futility.

Now, another thing that has happened over the past few nights—I say to my friend from New Hampshire, he and I have done this now running, I think it is 3 nights running, plus we did it before when this first came up, plus we have been on national television debating each other on this—he uses the term ''abortionist.'' He uses the term ''abortionist.''

I again want to say as we debate this emotional issue, a doctor who performs an abortion is a doctor. A doctor who performs a legal medical procedure is a doctor, not an abortionist. That doctor also delivers many, many babies. That doctor is an ob-gyn and deserves respect. If you want to make abortion illegal, that is your right. That is your right. I applaud that right. But do not do it through the backdoor like this, and do not call a doctor who performs a legal procedure an abortionist.

Then there is mention this one doctor did not come to the hearing. He was invited. That is right. I put in the RECORD a letter from his lawyer. This doctor, his life has been threatened. He has been harassed. And we stand up on this floor and call a doctor an abortionist when we are having such an emotional debate.

I applaud Chairman HATCH of the Judiciary Committee who came down and made a speech on this and said, ''I endorse this bill. I support it. But I abhor violence.'' We have to resolve this as human beings with disagreements.

It does not help to raise emotion and attack a physician or a group of people who have chosen to be ob-gyn's who, by the way, vehemently oppose this bill, their organization, the American College of Obstetricians & Gynecologists. And, yes, we heard from one nurse who served 3 days in a clinic who was disputed by her supervisor, but who said this was a terrible procedure. And that is her right to believe that and to say that. But the American Nurses Association—and how many are in that association? Many thousands, and we will have that number tomorrow; many thousands—they absolutely oppose this legislation. These are nurses who want to help people live. They want to help people live.

Why on Earth would we ban a procedure that doctors have testified is necessary to save the life of the mother? Why would we do it? And who are we to do this? This is not a medical school. This is not an ethics panel of a medical school. This is not a board of doctors who sit around and discuss these issues and understand them. I repeat Senator KENNEDY's comment that he made in the Judiciary Committee: ''Some Senators are practicing medicine without a license.''

We are over our heads if we think we can sit here and because somebody got a drawing explaining the consequences of a procedure, a medical procedure. That is not our job. I do not know anyone who ran for the U.S. Senate who said, ''I'm an expert in medical procedures. Vote for me.''

We have heard the women's stories. We know how important this procedure was to real women and to their families. We then hear time and time again that many of these abortions were elective—elective. That is a medical term. That is a medical term. It refers to anything other than a life-saving abortion. So we bandy about words like

''elective'' without knowing what they mean. We talk about medical procedures as if we are physicians.

I have just learned that the American Nurses Association, they do not represent thousands of members; they represent 2.2 million nurses. So, yes, we had one nurse who served 3 days who came out against this procedure; and the American Nurses Association, who represents 2.2 million nurses, says, ''Please vote down this ill-conceived bill.''

This is not about sex selection or eye-color preferences. I resent the fact that the Senator from New Hampshire would attempt to make a statement that Senators who believe there ought to be a life and health exception for the mother support those kinds of abortions. I guess he does not understand the law of the land, Roe versus Wade, which says that subsequent to viability the State has an interest in protecting fetal life, and as long as it takes into consideration the life and health of the mother, the State can pass laws that certainly prohibit abortions for eye color or sex selection.

This debate is not about unwanted pregnancy. This is about wanted and loved babies, children planned and desired by their families, but something horrible happened in the end of the pregnancy, either to the woman in her health or to the fetus, anomalies incompatible with life.

I knew one woman who was diagnosed with cancer in the beginning of the last trimester of her pregnancy and was told if she carried the baby to term, she would die. She had to face that with her husband. They had other children. But she desperately wanted this child. In the end, they decided to save her life.

Who is this Senate to tell her she did the wrong thing? Who is this Senate to tell her doctor he cannot use a procedure that might save her life?

Viki Wilson has two other children. This is Viki Wilson. She is 39. Her husband is Bill. Do you know what he does? He is an emergency room physician. Do you know what she does? She is a registered nurse. These are their two children. John is 10 and Katie is 8. They happen to live in Fresno, CA. He saves lives in the emergency room. He exposes himself to great danger working there. She is a nurse. She saves lives. And Senators on this floor think they have a right to interfere with their personal decisions? What an outrage.

Their third child, Abigail—they gave her a name—was their baby. Her brain had formed two-thirds outside the head. I want to talk about her story.

The PRESIDING OFFICER (Mr. JEFFORDS). The Chair advises the Senator she has 10 minutes remaining.

Mrs. BOXER. Mr. President, it is a story that will move you. It is a story that was told to the Judiciary Committee, and while you are going to see posters of part of a woman's body drawn like a cartoon, as if a woman is simply a vessel, we are putting a face on this. We are putting a face on this.

We know that Viki's testimony moved the people who heard it.

Tammy Watt's daughter, McKenzie, had no eyes, six fingers, six toes and large kidneys which were failing. The baby had a mass growing outside of her stomach involving her bowel and bladder and affecting her heart and other major organs, and the doctor said they had to use the procedure that this bill will outlaw.

Because we are looking for Viki's story, we may tell it tomorrow. I am going to keep her face up here, and I am going to go on.

This bill criminalizes the late-term abortion procedure by placing the burden on the physician to persuade the judge or jury that ''no other medical procedure would suffice to save the life of the woman.''

That means a doctor using this procedure can be hauled into court, and I will tell you, the chamber of horrors begins.

Mr. President, I am going to close debate tonight, after my friend from New Hampshire has concluded his presentation, by reading Viki Wilson's story. But at this time, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I yield myself 11 minutes.

This is really an interesting debate, and I said last night, Viki Wilson's story is truly a tragedy and my heart goes out to Viki Wilson. I understand the difficulty and horrible situation that she went through.

But let me read a paragraph from Viki Wilson's testimony. Viki Wilson, before the Senate Judiciary Committee just recently:

> My daughter died with dignity inside my womb. She was not stabbed in the back of the head with scissors. No one dragged her out half alive and killed her. We would never have allowed that.

My bill, the bill that is on the floor before us, or the amendments, would not have precluded Viki Wilson from that procedure. Viki Wilson herself just admitted she would not have done that procedure.

I also want to respond to Senator BOXER on a couple of other points. She made much of the term ''elective procedure,'' as if somebody made it up on the floor when talking about abortion.

This is Dr. Harlan Giles' testimony in court where he says as follows:

> An elective abortion is a procedure carried out for a patient for whom there is no identifiable maternal or fetal indication; that is to say, the patient feels it would be in her best interest to terminate the pregnancy either on social, emotional, financial grounds, et cetera. If there are no medical indications from either a fetal or maternal standpoint, we refer to the termination as elective.

So I think that is pretty clear that I did not make it up and that it is accepted.

I am also looking at the Standard College Dictionary, published by Harcourt Brace. I do not know whether that is acceptable to the Senator from California or not. But the definition of an abortionist is one who causes abortion. That is pretty clear. I do not know why anybody would object to the term ''abortionist'' when someone being called an abortionist causes an abortion. It seems to be awfully defensive to me.

I want to respond to the Senator from Illinois, and I am sorry she is not here on the floor, in regard to her remarks. The Senator from Illinois, Senator MOSELEY-BRAUN, a few minutes ago said that this bill is unconstitutional. Even in Roe versus Wade —I want to point out, she said it was unconstitutional, but even in Roe versus Wade, the decision that is thrown around here all the time by the prochoice people, obviously, the Supreme Court said that the born child, that is the exact terminology, ''the born child'' is a ''person'' entitled to ''the equal protection of the law.''

Let me repeat that, because the Senator from Illinois said this bill is unconstitutional. Even in Roe versus. Wade, the Supreme Court said that the born child is a person entitled to the equal protection of the law.

Now, I ask any reasonable person, if there is anybody left on the face of the Earth who is undecided—hopefully somebody may be in the Senate because we are the ones who have to vote; hopefully, I pray, there might be somebody out there listening and trying to make up their mind—how can anyone reasonably say that a child, feet, legs, toes, little soft rear end, torso, shoulders, arms, hands, part of the neck out of the birth canal, born is not a child or a person because the head still remains inside the birth canal? How can anyone say that? What is not child or not person about what the doctor is holding in his hands?

Suppose it was reversed, Mr. President, and the child's head came first and he began to breathe, is he then born? You bet he is. You bet he is, because that abortionist cannot do a thing to that child when the head comes out first and that child is breathing. He cannot do anything to it, and my colleagues know that.

So what do we do? We reverse the position in the womb, so that the feet come first, with forceps. We reverse the position in the womb. It is a deliberate act, the most horrible act against an innocent child. That is what we are talking about here. That is what we are talking about here.

That is not a ''partial birth.'' What is that? That is a child. How can anyone say that does not deserve protection under the Constitution of the United States? With the greatest respect for the Senator from Illinois, I sure do not read that in the Constitution. I sure do not read that in Roe versus Wade. A born child. Now, if the Senator from Illinois, or any other Senator, wants to take the floor and say here and now that that is not a child, 90 percent of

which is in the hands of that person—call him a doctor, an abortionist, call him what you want—and is wiggling, moving, and you can feel the heartbeat, of course, and you can feel the movement of the child—it is wiggling. That is not a child? What is it? My God, what is it? Let us be serious. Of course it is a child. And you deliberately reverse the position in the uterus to make that child come out feet first.

A ''chamber of horrors,'' my colleague said. You bet it is. It is a chamber of horrors in the United States of America. And I have to stand here with some of my colleagues and try to stop something that should not be happening. I heard a lot about doctors and OB-GYN's. No one testified in that hearing who performed one of these, and no one—no one—including Viki Wilson and others, and including the young woman that Senator MOSELEY-BRAUN spoke about, had a partial-birth abortion, because a partial-birth abortion involves killing a child by inserting a catheter and scissors in the back of the head, in the canal. That is a partial-birth abortion. That is what I am stopping. We are not stopping anything else.

I do not know if the Senator from California knows Mary Davenport, OB-GYN, Oakland, CA. She wrote to me on December 1, 1995:

DEAR SENATOR SMITH: I am writing to you in support of the partial-birth abortion bill. There is no medical indication for this procedure, and the performance of this operation is totally in opposition to 2,000 years of Hippocratic medical ethics. Please do your best to eliminate this procedure. It is not done in any other nation of the world.

If you think I solicited that letter, I have 250 more of them from OB-GYN's all over America who are outraged and disgusted and horrified that we would do this to our children. What kind of a country are we?

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, how much time do I have remaining on my side?

The PRESIDING OFFICER. Eight minutes 11 seconds.

Mrs. BOXER. Mr. President, I would like to retain 2 minutes of my time, if the Chair will let me know when I have used 5 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mrs. BOXER. I thank the Chair.

Mr. President, we have just heard a very loud and angry voice. I do not know who that anger is aimed at. I do not know if it is aimed at the Senators who disagree. I do not know who it is aimed at.

We live in a world where we do not know what lies ahead and down the road. We pray to God that every birth experience that we will have in our own personal families and everyone's will be a good one, and that the babies will be healthy.

I want to say that the anger that you just saw here displayed on this floor, in reality, is aimed at families like this in the picture. That is who it is aimed at. These are the families that are the losers. These are the families who will lose a mom if this bill goes forward. Why do I say that? Because doctors have testified that it is the safest procedure to use in the late term.

I am going to read you Viki Wilson's statement, and then I am going to ask you whether you believe Viki Wilson deserves that kind of anger that we just heard on this floor.

This is Viki here in the photo. She is a nurse. This is her husband, who is a doctor in an emergency room.

At 36 weeks of pregnancy, all of our dreams and happy expectations came crashing down around us. My doctor ordered an ultrasound at that time and detected what all my previous prenatal testing failed to detect, an encephalocele. That is a brain growing outside the head. Approximately two-thirds of my baby's brain had formed on the outside of her skull and, literally, I fell to my knees from shock because, being in pediatrics, I realized that she would not survive outside my womb.

My doctor desperately tried to figure out a way to save this pregnancy. All my medical rationality went out the window. I thought there's got to be a way. Let's do a brain transplant. That is how irrational I was. I wanted this baby. My husband and I were praying that there would be a new surgical way, but all the experts concurred that Abigail could not survive outside my womb, could not survive the birthing process because of size of her anomaly. Basically, her head would have been crushed and she would have suffocated, and that would have been her demise, coming through my birth canal. Because of her anomaly, it was also feared that had she come through the birth canal, my cervix would have ruptured.

The doctor explained to me that even if I had gone into spontaneous labor—

Which, by the way, my colleagues say is an alternative.

More than likely my uterus would have ruptured, rendering me sterile, and that was not an acceptable option. It was also discovered during one of my exams. I kept crying on the examining table, saying, ''How could this be? You know, there are such strong baby movements.'' And they said, ''I am sorry, Viki, those are seizures.'' My immediate response was, ''Do a C-section and get her out.'' ''Viki, we do C-sections to save babies. We can't save her, and a C-section in your condition is too dangerous, and I can't justify those risks.''

The biggest question then became for my husband and I. A high power had already decided that my baby was going to die. The question was, how is she going to die?

We wanted to help her leave this world as painlessly and peacefully as possible and in a way that protected my life and my health, to allow us to have more children. We agonized and we prayed for a miracle.

During our drive to Los Angeles to see the specialist we chose our daughter's name. We named her Abigail, the name that my grandmother has always wanted for a grandchild. We decided if she were to be named Abigail, her great grandmother would be able to recognize her in Heaven. You think of those things when you are going through a crises like this.

Losing Abigail was the hardest thing that ever happened to us in our lives. After we went home, I went into the nursery, held her clothes, crying and thinking I will never be able to tell her that I love her. I have often wondered why this happened to us. What did we do to deserve this pain?

I am a practicing Catholic and I could not help but believe God had some reason for giving me such a burden. Then I found out about this legislation and I knew then and there that Abigail's life had special meaning.

I think God knew I would be strong enough to come here and tell you my story, to stop this legislation from passing and causing incredible devastation for other families like ours because there will be other families in our situation, because prenatal testing is not infallible, and I urge you, please, do not take away the safest method known.

Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you.

I told my Monsignor at my parish that I was coming here to Washington, and he supported me and he said, ''Viki, what happened to you was not about choice. You did not have a choice. What you did was about preserving your life.'' I was grateful for his words and I agree, this is not about choice. This is a medical necessity. It is about life and health.

My kids attend a Catholic school where a playground was named in Abigail's honor. I believe that God gave me the intelligence to make my own decisions, knowing that I am the one who has to live with the consequences.

My husband said to me, as I was getting on the plane coming here to Washington, ''Viki, please make sure this Congress realizes this would truly, truly be the Cruelty to Families Act.''

So, again, for us, for future families, and for more and more families. We are all sitting at home thinking, this is 1995, no way in a rational situation are they going to see the necessity of this legislation. They are going to realize that when they hear our stories.

Mr. President, why are we getting angry at women like this? Why are we getting angry at husbands like this? Why are we getting angry at families like this? What right do we have to get angry at decent, religious, family-loving people like this? To stand on this floor and wave our arms at people like this, because that is what this is about.

The Smith-Dole exception for life of the woman is not an exception. It only deals with women who come in with a preexisting condition or injury. I pray—I pray—that the Senate will be courageous—because it is very difficult to explain this in 5 minutes to my colleagues—that they will support the Boxer - Brown - Specter - Lautenberg - Moseley - Braun - Murray - Snowe amendment. It is bipartisan, it is the right thing to do.

We have come together as family, loving Members of this U.S. Senate. We

have reached across the aisle that divides us, Mr. President. We are standing for these families.

I hope we will lower our voices, because there should not be room for that kind of anger, in my humble opinion. We are trying to reach a rational decision on a heart-wrenching issue here. We should not be angry at each other. We should not be angry at families like this or to the doctors these families turn to in the most difficult circumstances.

The PRESIDING OFFICER. The Senator from New Hampshire has 5 minutes 18 seconds.

Mr. SMITH. I yield myself 18 seconds and the remainder of the time to the Senator from Ohio.

I say in response to the Senator from California, if the 800 children who were perfectly normal electively aborted could speak here on the floor today, they would be angry, too.

Mr. DEWINE. Mr. President, I think all the arguments have been made. That usually does not stop us. We continue to make them and will probably make some more tomorrow.

Let me try to be very, very brief in closing. I think it is important, as I said 2 days ago on this floor, we keep our eye on the ball, we keep our eye on what this debate is about, what is relevant and what is not relevant.

The horrible tragedy that the Senator from Illinois described a few minutes ago, the horrible tragedies that my friend from California continues to describe are horrible. They are tragic. Everyone was moved in the committee. I had tears in my eyes before I left the room listening to those horrible tragedies. Our heart goes out to these families. But the fact is these horrible cases are not relevant to what we are talking about. Viki Wilson did not have this procedure.

Let me repeat for my friends on the floor and my friends who may be watching this on TV that Viki Wilson did not have this procedure. I do not know how many times we have to say it. That is what the facts are. None of the three women did. It is simply not true.

Let me read from the proposed statute. ''As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.'' That is not what happened in these particular cases, however sad they say they are.

Let us keep our eye on the ball. Let us keep our eye on the ball and have relevant debate in regard to saving the life of the mother.

The bill, as Senator SMITH introduced it, had an affirmative defense. The amendment that Senator DOLE has proposed should take any doubt away that it is covered because it puts it right in the statute itself—puts that exception, the life-of-the-mother exception. But even, in a sense, of more significance is we will not get to this situation because there has been no credible evidence at all in the hearings—none—that this procedure would ever be used to save the life of the mother. That evidence was just to the contrary. The evidence was that there were other procedures that would be used. This would not be used. You would not use the procedure. The evidence was it would take 3 days, which this procedure does.

Dr. Smith of Chicago, IL, and Mt. Sinai Hospital, a very credible witness, testified this is simply not the standard of care. Let me quote a portion of the testimony from the hearing. If anyone has the doubt about the relevancy, look at this on page 78 of the hearing by the Committee on the Judiciary.

> Now, this insinuates that this is a standard of care to take care of a trapped fetal head on a breech deliver. This is totally untrue, and I have provided for you from *Williams Obstetrics* the techniques that are used by obstetricians to deal with this problem. Those techniques include relaxing the womb with halifane or with anesthesia, cutting the cervix, in limited circumstances if you are going to do a Cesarean section to save a term baby, you can do that. And if the baby has what we call hydrocephalus, or water on the brain, you insert a needle and drain that fluid.

The testimony is very, very clear. Of the other procedures that you use, this is simply not one of them at all.

Again, Mr. President, let us keep our eye on the ball. Let us talk about this in a rationale way. Let us talk about what is relevant and what is not relevant.

Time and time again on this floor the argument has been made that if you support this bill, it is an attack on Roe versus Wade. I would submit that flies in the face of any rational discussion about what Roe versus Wade really means and a correct interpretation of it.

Pro-choice individuals in the House of Representatives, such as Representatives KENNEDY, MOLINARI, GEPHARDT, TRAFICANT, each one voted in favor of this. I do not want to put words in their mouths, but I will simply say that a person who is pro-choice could very well support this.

Mr. President, I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, a person who is pro-choice could very consistently support this bill as these pro-choice Representatives in the House of Representatives clearly did. A pro-choice person can support this simply by believing, by saying, by arguing that there is some limit to what we will permit; there is some limit to what a civilized people tolerate.

Again, I do not want to put words in their mouths. But I think that clearly is a consistent position with being pro-choice.

So this is not an attack on Roe versus Wade. You simplistically could argue that. But I think it is very, very incorrect.

My friend from California talked about the fact that ''America does have a heart and soul.'' Yes, we have a heart and soul. That is why we are on the floor. That is why Senator SMITH introduced this bill. This is why people across this country—once they learned about the facts of this procedure—are simply saying, ''No, it is wrong. We cannot tolerate it. We cannot permit it.''

My friend talked about the arrogance of power, that we are somehow arrogant to be making this argument. It is not arrogance. I think it would be, quite frankly, not arrogance but indifference for us to turn our back on this horrible, horrible procedure.

Finally, Mr. President, my friend from California talked about the anger. Who is this directed at, this anger? This anger is not directed at anybody, not a person. It is directed at a procedure that a civilized society simply should not permit.

Mr. President, we will surely continue this debate tomorrow.

At this point, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, thank you very much.

Mr. President, this has been a very tough debate, and I have 4 minutes left. I am not going to use it. I know the majority leader is ready to say goodnight to all of us for the evening. So maybe we can have some semblance of some sort of dinner.

Mr. President, this has been probably the harshest debate we have had to date on this topic. I think it is so important that when we debate each other, we do it right on the mark, that we get to our differences. I have told some heart-wrenching stories, and these stories were told before the Judiciary Committee by people like Viki Wilson, a nurse, a practicing Catholic. Her husband is an emergency room doctor.

We have here Coreen Costello, whose story I have told a number of times, a conservative Republican, who had been completely against abortion until she faced this tragedy. And she came and told her story.

Then my friends on the other side said: Wait a minute. They made a mistake, these women. They did not have the kind of procedure that we are trying to outlaw.

My friends, that is an interesting debating topic, but do not tell these people what procedure they went through. They read the definition in your bill. Viki Wilson is a nurse. Her husband is

a doctor. They read the bill—the doctor that performed this, a doctor that you have attacked over and over again, Dr. James McMahon, who was summoned by Representative CANADY to testify because he performed the very procedure you wish to outlaw.

So if you want to speak out against the Boxer-Brown-Specter-Moseley-Braun–Snowe amendment, et al., you should. You should speak out against our amendment. You should say there should be no exception for the life and serious health consequences to a woman. But do not say that these women do not know what they are talking about and their families do not know what they are talking about, when, in fact, your side has named the very doctor that they used for this late-term abortion, your side has named him and paraded his name around because he used that very procedure you wish to outlaw.

So, Mr. President, this has been a tough night. We have heard raised voices. It has not been pleasant. As a matter of fact, this has been the most unpleasant week that I can remember here in a long time for me personally, because, yes, I think it is arrogant to insert a politician into this woman's life, into this man's life, and into these children's lives. I do not think that we have the wisdom to know better how they should handle a tragedy such as the tragedy they had to handle.

And I hope and I pray that the bipartisan amendment that I have offered, and which we have reached across the aisle to work together to protect families like this, passes.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I now move to proceed to Senate Joint Resolution 31 regarding the desecration of the flag.

CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will state the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S.J. Res. 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States:

Bob Dole, Orrin Hatch, Conrad Burns, Ben Nighthorse Campbell, Slade Gorton, Craig Thomas, Alan Simpson, Larry Craig, Trent Lott, Connie Mack, Don Nickles, Spencer Abraham, John Ashcroft, John Warner, Chuck Grassley, and Strom Thurmond.

Mr. DOLE. Mr. President, for the information of all Senators, we have been attempting—and have wasted the whole day—to bring up the flag amendment. We were precluded from doing that by the efforts of the Senator from New Mexico, Senator BINGAMAN. He has every right to do that. I know he is not for the flag amendment, but he indicates he does not mind if we vote on it.

But I wanted to point out that tomorrow is Pearl Harbor day. Tomorrow is December 7. On a Sunday morning 54 years ago, more than 2,300 brave Americans lost their lives during the raid on the U.S. Pacific Fleet. As a testament to their valor, some of the dead are permanently entombed in the U.S.S. *Arizona,* one of the ships sunk during the attack.

As World War II raged on, thousands of other brave American soldiers followed their country's flag into battle. The great sacrifices made by our fighting men and women during this war and in subsequent conflicts—Korea, Vietnam, the Persian Gulf, Somalia—reflect the courage and strength of character of the American people.

Our flag is the unique and beloved symbol of these qualities. Representing Americans of every race, creed, and social background, the flag is also the one symbol that brings to life the phrase ''E Pluribus Unum''—Out of many, one.

So it would seem to me that as we look back over the history of America, one of our most enduring national images is the famous picture of six courageous Americans—Sgt. Michael Trank, Cpl. Harlan Block, Pfc. Hamilton Hayes, Pfc. Rene Arthur Gagnon, Pfc. Franklin Runyon, and Pharmacist's Mate John Henry Bradley—who risked their lives to raise Old Glory at the top of Iwo Jima's Mount Suribachi.

These men were not constitutional scholars. They were not legal experts. They were young enlisted men, like so many of the 6,000 American soldiers who gave their lives to their country during the deadly ascent up that hill.

Because of the sacrifices of these men and countless thousands like them, I support this amendment. Because of the flag's unique status as the symbol of the American spirit and experience, I believe it deserves constitutional protection.

AMENDING THE BILL OF RIGHTS

Now, there are those who charge the supporters of the flag amendment with attempting to amend the Bill of Rights. I strongly disagree with this characterization.

It is the Supreme Court—and more precisely five Justices on the court—who amended the bill rights when they concluded in the Texas versus Johnson decision that the Act of flag-burning was constitutionally-protected speech. This misguided ruling effectively overturned 48 State statutes and a Federal law proscribing flag desecration. Most of these statutes had been on the books for decades, without threatening any of our freedoms, including our freedom of speech guaranteed by the first amendment.

And, after all, the first amendment is not absolute. One cannot use libel to convey an opinion and claim first amendment protection. Obscenity, and fighting words, and yelling fire in a crowded theater, all fall outside the first amendment's free-speech guarantee.

In fact, even some of the strongest supporters of the first amendment never imagined that the act—the act—of flag-burning would merit constitutional protection.

As Justice Hugo Black, considered by many legal experts to be a first-amendment absolutist, once put it: ''It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.'' Or as former Chief Justice Earl Warren explained: ''I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * *''

So, Mr. President, it's time for a little reality check: We can pass laws making it illegal to destroy U.S. currency, or deface your own mailbox, or even rip the warranty label off your own bedroom mattress. But, according to the Supreme Court, if you want to burn our Nation's most cherished symbol, the flag, just go right ahead.

And that is why we need a flag amendment: not to amend the Bill of Rights, not to change the first amendment, but to correct the Supreme Court's own red-white-and-blue blunder.

Let me make another point: The Framers of the Constitution intentionally made the amendment process a difficult one, requiring the assent of two-thirds of each House of Congress and three-fourths of the State legislatures before an amendment's ratification. These sensible hurdles were designed to protect the Constitution from ill-conceived and frivolous changes. But once an amendment has been ratified, clearing the high hurdles built into the amendment process itself, the American people have spoken.

OPENING A PANDORA'S BOX

Some of those who oppose the flag amendment also claim that ratifying it will open a Pandora's Box—that supporters of other national symbols, no different from the flag, will clamor for similar protection from desecration.

I reject this argument because the flag is unique.

Do we pledge allegiance to the Constitution, or to the Presidential seal, or to any other national symbol? No.

Flag Day, June 14, is a national holiday, but do we have a national holiday honoring the Constitution, or the Presidential seal, or any other national symbol? No.

The ''Star Spangled Banner,'' our national anthem, honors the resiliency of Old Glory. But does our national anthem honor the Constitution, or the Presidential seal, or any other national symbol? No, it does not.

And 48 States and the United States have enacted statutes prohibiting the desecration of the flag. Have the States and Congress passed laws prohibiting the desecration of the Constitution, or the Presidential seal, or any other national symbol? The answer, of course, is ''no.''

So, as you can see, the flag stands alone. It stands alone as the unique symbol of our ideals, our hopes, our aspirations as a Nation. And that is why I am proud to join today with the citizens flag alliance, the American Legion, and 113 other civic and patriotic organizations representing millions of Americans across this country who support this amendment.

''BANNER YET WAVES''

Mr. President, I will conclude now with a few words from an article entitled, ''The Banner Yet Waves,'' written by the editors of the Reader's Digest.

I read these words during the last debate on the flag amendment, back in 1989, and I want to share them once again with my colleagues. The words continue to ring true today. I quote:

While Americans know that behind this rectangle of cloth there is blood and great sacrifice, there is also behind it an idea that redefined once and forever the meaning of hope and freedom. Lawyers and justices may debate the act of flag-burning as freedom of expression. But a larger point is inarguable: When someone dishonors or desecrates the banner, it deeply offends, because the flag says all that needs to be said about things worth preserving, loving defending, dying for.

Mr. President, that is what this debate is all about. It is not about making fine legal distinctions or trying to prove who is the best constitutional scholar. It is about protecting that which is sacred to us as citizens of this great country.

Amidst the rich diversity that is America, we must cherish the principles and ideals that bind us together as one people, one Nation, and for which thousands of brave Americans have given their lives. As the unique symbol of these principles and ideals, the flag must receive the constitutional protection it so richly deserves.

Mr. President, I regret that we are now in a position of having to obtain cloture before we can even consider this amendment. I hope that the Senator from New Mexico, who, as I understand, opposes the flag amendment, would find some other way to distract us from what I think is a very important amendment. I know he is concerned about ambassadors. I know he is concerned about treaties. But I can tell him, as I indicated this morning, this Senator is, too. I have tried almost every day to bring this matter to some resolution. We think we are very, very close. And I see no reason to hold up this particular constitutional amendment, Senate Joint Resolution 31, in an effort to become involved in a process that has been going on for weeks and in which the Senator from New Mexico, as far as I know, has not been involved at all. So I have no other course than to hold up other nominations. If he wants to play this game—we cannot bring up bills; we cannot determine what the legislative agenda is going to be—if any Senator can stand up and say I will determine what we will bring up to the floor, if the leaders are powerless, then we have to resort to whatever means we have. In this case, all we can do is file cloture, and we will obtain cloture on Friday morning because I know more than 60 Members will support cloture.

MORNING BUSINESS

Mr. DOLE. I now ask unanimous consent there be a period for the transaction of morning business until the hour of 8 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH DAKOTA CHAMPIONS

Mr. PRESSLER. Mr. President, today I rise to pay tribute to the champions of the 1995 South Dakota High School Football Playoffs. The playoffs were held at the ''Dakota Dome'' on the campus of the University of South Dakota in Vermillion on Friday, November 3, and Saturday, November 4.

In class 11AA, the Yankton Bucks won the championship for the second year in a row and the fourth time in school history. First year coach Jim Miner led the Bucks. Quarterback Mason Mehrman was named the game's Most Valuable Player (MVP).

The Vermillion Tanagers capped an undefeated season by claiming the class 11A crown. The Tanagers, who also won a State title for the fourth time in school history, are coached by Gary Culver. Running back Vince Roche was named the game's MVP.

The Cavaliers of Bon Homme County High School, located in Tyndall, South Dakota, won the class 11B championship for the second year in a row. The Cavaliers extended their consecutive winning streak to an impressive 21 games. The Cavaliers are coached by Russ Morrell. Running back Josh Ranek was named the game's MVP.

In class 9A, the Wakonda-Gayville-Volin Panthers won their first State title. The Panthers, who finished the season undefeated, are coached by Glen Ekeren. Quarterback Dan Freng was named the game's MVP.

The Wildcats of Grant-Deuel County High School, located in Revillo, SD, captured their first ever class 9B championship. Coach Chad Gusso led the Panthers. Running back Heath Boe was named the game's MVP.

I congratulate all the coaches, the players, and the parents of these five schools, as well as all the South Dakota schools that competed in this year's playoffs. In the spirit of competition, they have demonstrated the hard work, commitment, and teamwork that it takes to be champions. They all are to be commended for continuing such a great football tradition in South Dakota.

Mr. President, I ask unanimous consent that the rosters of each championship team be included in the Congressional RECORD at this time.

There being no objection, the rosters were ordered to be printed in the RECORD, as follows:

YANKTON ''BUCKS'' (11–0)

No.—Name:	Pos.	Ht.	Wt.	Yr.
12—Mason Mehrman	QB	5–11	165	12
14—Chris Reiner	QB	6–1	180	12
15—Kevin Jordahl	QB	5–11	165	12
16—Lars Anderson	QB	5–11	165	11
20—Thomas Draskovic	FB	5–9	165	12
21—Aaron Dykstra	HB	5–10	145	11
22—Matt Jensen	HB	5–9	160	12
23—Carl Tweeten	HB	5–11	165	12
27—Jason Hermanson	SE	5–10	150	11
28—Danny Grant	LB	5–7	150	12
30—Wade Buxcel	LB	5–11	160	11
31—Ryan Hanson	HB	5–9	165	11
32—Jeremy Tamislea	HB	5–8	165	12
33—Jacob Wurth	HB	5–11	185	11
34—Matt Bohn	FB	6–1	185	11
36—Scott Nedved	HB	6–0	180	10
40—Derik Budig	FB	6–2	220	12
42—Joe Merkwan	LB	5–10	170	12
43—Paul Creviston	HB	6–0	154	11
44—Joey Novak	QB	5–11	140	11
45—Rusty Williamson	HB	6–1	185	12
46—Scott Elwood	SE	5–10	165	11
51—Jon Rhode	C	6–1	252	11
52—Chris Swanstrom	C	6–1	180	12
54—Brady Muth	T	6–2	245	12
55—Chad Sherman	C	6–0	205	12
56—Daric Mortenson	C	6–0	270	12
60—James Rye	C	5–10	145	12
61—Andy Holst	G	5–11	180	12
62—Kevin Plavec	T	5–10	205	12
63—Nick Sternhagen	G	6–4	230	11
64—Ryan Swanstrom	G	5–11	180	11
65—Chauncy Lanning	T	5–10	170	11
66—Kyle Tacke	G	5–11	175	11
67—Kam Williams	T	5–10	185	12
68—Radim Miksik	K	6–1	180	11
69—Jamie James	T	5–11	245	12
70—Tony Pierce	G	5–11	175	12
71—Chad Ellers	T	5–11	240	11
72—Lance Peterson	G	6–3	250	12
73—Owen Cowles	T	6–0	215	11
74—John Bohlmann	G	5–10	215	11
75—Joey Rempp	G	6–2	225	12
76—Samuel Graham	T	5–11	245	11
77—Derek Danilko	T	6–4	190	12
78—Jason Cwach	T	6–2	265	11
79—Beau Paulson	T	5–10	250	12
80—Jeremy Fischer	SE	6–0	165	12
81—John Fischer	SE	6–2	165	12
82—Mike Rhoades	TE	6–2	165	11
85—Danny Johnson	SE	6–4	190	11
85—Jody Pinkelman	TE	6–0	170	11
86—Scott Robbins	SE	5–8	145	11
87—Matt Christensen	TE	6–3	195	11
88—Nick Meyers	K	6–1	175	12
89—Ryan Heine	TE	6–6	215	12

Head Coach: Jim Milner.

Assistant Coaches: Arlin Likness, Dan Mitchell, Bob Muth.

Student Managers: Matt Gunderson, Jerry Haas, Jake Harens.

Athletic Director: Bob Winter.

Cheerleaders: Mandy Humpal, Laurie Koupel, Michelle Olson, Erika Simonsen, Stephanie Sprecher, Natalie Tapken.

VERMILLION ''TANAGERS'' (11–0)

No.—Name:	Pos.	Ht.	Wt.	Yr.
2—Ryan Baedke	QB-LB	6-0	180	11
5—Marc Billings	WB-DB	5-11	145	11
6—Joe Guerue	TE-LB	5-8	195	12
7—Josh Merrigan	TE-DE	6-3	200	11
8—Brian McGuire	QB-LB	5-11	160	10
9—Matt Jordt	WB-DB	5-10	155	11
10—Dave Holoch	QB-DB	5-11	155	10
11—Andy Mechtenberg	WB-DB	6-2	160	12
12—Kevin McGuire	QB-DB	6-1	145	12
13—Josh Koller	HB-DB	5-9	150	11
14—Drake Olson	QB-DB	5-11	150	10
16—Mike Groves	HB-LB	5-8	150	11
18—Vince Roche	HB-DB	5-8	175	12
22—Jeremy Johnson	HB-DB	5-8	130	11
23—Micah Thompson	HB-DB	5-6	130	12
25—Tim Willroth	HB-DB	5-6	125	10
26—Brandon Hays	HB-LB	5-8	145	10
29—Matt Taggart	WB-DB	5-9	150	10
30—Joe Ulrich	HB-DB	5-8	145	12
32—Ben Hays	TE-LB	5-10	185	10
33—Jerrod Edelen	HB-LB	6-1	175	10
42—Shane O'Connor	WB-DB	5-7	140	10
43—Travis Gors	WB-LB	5-11	160	12

VERMILLION ''TANAGERS'' (11–0)—Continued

	Pos.	Ht.	Wt.	Yr.
44—Ben Leber	FB-LB	6-3	205	11
50—Wade Beach	OG-LB	5-9	180	11
51—Rich Schoellerman	OG-LB	5-10	150	12
52—Troy Myron	OT-DL	6-0	170	10
54—Wade Bromwich	OC-DL	5-7	165	10
55—Stafford Larsen	OT-DL	6-2	240	12
56—Kevin Jensen	OC-DL	6-0	225	12
58—Ryan Knutson	OC-LB	5-11	180	11
61—Shawn Benzel	OG-DL	5-9	180	10
62—Cory Moore	OG-DL	6-0	160	11
63—Josh Stewart	OT-DL	6-1	205	10
65—Dan Nelson	OG-DL	6-1	175	10
66—Casey O'Connor	OG-LB	5-9	200	12
67—Jon Leffers	OG-LB	5-8	165	12
69—Matt Sorensen	OT-DE	6-2	185	12
71—Paul Lilly	OT-DL	6-0	220	12
72—Chad Stensaas	OT-DL	5-11	235	10
73—Mike Rasmussen	OG-DL	5-10	175	11
75—Steve Powell	OT-DL	5-10	225	10
78—Chris Ross	OG-DL	5-10	185	10
79—Travis Vacek	OG-DL	5-11	270	11
81—Billy Willroth	SE-LB	6-0	170	12
82—Roland Johnson	SE-DE	6-2	170	11
85—Blaine Schoellerman	SE-DB	6-2	145	10
86—Brett Bartling	TE-DE	5-9	150	10

Head Coach & Athletic Director: Gary Culver.

Assistant Coaches: Roger Heirigs, Jim McGuire.

Student Managers: Teisha Upward, Alison Hogen, Aaron Kerkhove, Aaron Hammer, Mikal Boughton.

Cheerleader Advisor: Jennifer Huska.

Cheerleaders: Amy Johnson, Kerri Wempe, Shanna Manning, Shelley Kulkonen, Sarah White, Heidi Zimmerman.

BON HOMME ''CAVALIERS'' (11–0)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
1—Chip Carda	RB	5–11	155	10
2—Nick Kortan	RB	5–7	135	10
3—Kevin Morrell	QB	6–2	175	11
5—Jamie Hajek	QB	5–7	135	10
7—Jon Vavruska	RB	5–5	100	9
8—Ryan Kortan	QB	5–10	165	9
14—Kris Vollmer	RB	5–11	145	9
16—Jayson Branaugh	RB	5–9	135	10
18—John Nagel	E	5–6	125	10
21—Corey Meske	E	5–9	140	11
23—Derrik Garhart	RB	5–6	130	10
24—Josh Holland	E	6–1	155	11
27—Dalon Wynia	RB	5–10	155	11
30—Josh Ranek	RB	5–10	170	12
32—Rick Island	RB	5–6	120	9
33—John Showers	E	6–2	160	12
34—Toby Privett	RB	5–4	95	9
35—Brock Tucker	E–RB	5–10	150	10
37—Casey Berndt	RB	5–9	170	11
30—Nathan Lukkes	E	5–9	145	9
40—Nathan Lukkes	E	5–9	145	9
41—Chad Cooper	RB	5–7	140	9
44—Hannon Hisek	RB	5–4	145	10
50—Jared Caba	L	6–0	230	11
51—Dan Walkes	L	5–9	190	11
52—Todd Dvoracek	L	6–1	195	9
55—Matt Johnson	L	5–10	180	9
56—Ben Jacobs	L	6–5	290	11
58—Michael Pechous	L	6–2	175	10
60—Chad Simek	L	5–11	205	12
62—Grant McCann	L	5–9	155	9
63—Kevin Koenig	L	6–6	210	10
64—Bryan Varilek	L	6–5	200	11
66—Jim Saloum	L	6–2	225	10
67—Tony Bares	L	5–8	140	9
70—Chris Garhart	L	5–5	135	9
72—Mike Sedlacek	L	5–8	155	9
75—Travis Berndt	L	6–0	190	9
78—Matt Bierema	L	5–10	170	11
79—Clint Starwait	L	5–10	205	9
82—Chris Schieffer	E	5–6	115	9
85—John Kaida	E	5–10	160	10
87—Dustin Hoffman	E	5–9	160	10

Head Coach and Athletic Director: Russ Morrell.

Assistant Coaches: Byron Pudwill, Vince Tucker, Phil Garhart, Mike Duffek.

Student Managers: Nicole Engstrom, Lisa Humpal, Jenny Rueb, Melinda McNeely, Renee Tjeedsman, Courtney Morrell, Stacy Hellman, Darcie Walkes.

Cheerleaders: Heather Namminga, Kateens Lukkes, Lacie Peterson, Aesli Grande, Jessica Einrem.

GRANT–DEUEL ''WILDCATS'' (10–1)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
4—Matt Lounsbury	QB–DB	6–0	200	11

GRANT–DEUEL ''WILDCATS'' (10–1)—Continued

	Pos.	Ht.	Wt.	Yr.
5—Josh Beutler	FL–DB	5–5	105	10
6—Jon Peschong	QB–LB	5–7	120	8
10—Heath Boe	TB–LB	6–1	175	12
11—Dan Peterson	QB–DB	5–4	115	9
12—Eric Stricherz	E–DB	5–9	160	12
15—Tommy Street	FL–DB	5–5	110	9
19—Erik Peterson	E–E	6–0	160	12
20—Brian Schafer	E–E–P	6–2	165	12
21—Josh Morton	L–L	5–7	125	8
23—Jared Engebretson	L–E	6–2	215	12
30—Kelly Kasuske	E–E	5–9	140	9
31—Cory Street	B–DB	5–5	125	10
32—Parry Toft	B–DB	5–7	135	10
34—Ricky Taylor	FL–DB	5–7	130	10
35—Mathias Lindberg	FL–DB	5–9	140	11
41—Matt Bunting	E–DB	5–8	135	10
42—David Hixon	B–DB	5–11	160	12
44—Garrett Hennings	FB–LB	5–11	185	10
45—Jamie Schafer	B–DB	5–7	130	9
52—Matt Loeschke	E–E	6–5	200	9
55—Nick Ansbach	E–E	6–1	190	10
56—Chad Johnson	L–L	6–2	215	12
58—Jed Sportz	L–L	5–11	170	8
60—Tim Karels	L–L	5–7	145	11
62—Russell Schuelke	L–L	5–10	150	8
64—Nathan Boe	B–DB	5–8	120	8
65—Harris Hixon	B–DB	5–5	120	9
70—Ben Johnson	L–L	5–9	175	8
73—Rusty Rabine	L–L	6–0	275	8
75—Garrett Novy	L–L	6–1	200	9
80—David Bunting	E–DB	5–11	130	11
83—Justin Syrstad	L	5–9	155	9
84—Jason Ebsen	L	5–4	170	9
95—Josh Anderson	L	5–8	170	9
99—Wade Novy	L	6–2	270	12

Head Coach: Chad Gusso.

Assistant Coaches: Barry Pickner, Galen Schoenfeld.

Student Managers: Brian Dallman, Jesse Street, Matt Lynde, Tyler Pickner, Shawn Erp.

Cheerleaders: Jodi Wollschlager, Jill Wollschlager, Sharona Iverson, Lindsey Swenson, Wendy Bear.

WAKONDA-GAYVILLE-VOLIN ''PANTHERS'' (11–0)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
7—Brent Barta	QB–LB	5–8	145	11
9—Damon Eggers	HB–DB	5–9	150	11
10—Andy McCue	HB–DB	5–8	140	10
11—Dan Freng	QB–S	6–4	215	12
12—Guy Eggers	QB–DB	5–9	145	9
17—Tim Olen	HB–LB	5–8	150	11
18—Eric McCue	HB–LB	5–10	160	12
19—John Peterson	HB–LB	5–10	130	11
20—Daniel Welman	HB–S	5–10	160	12
21—Tyler Hoxeng	HB–LB	5–11	175	9
22—Shannon Snow	HB–S	5–8	140	12
26—Mike Kool	HB–LB	5–9	165	11
32—Mark Zimmerman	G–DT	5–11	170	9
45—Sam Johnsen	HB–LB	6–1	190	12
49—Jeremy Hanisch	G–N	5–8	200	11
51—Chris Happe	G–DE	6–2	235	12
52—Josh Oien	G–DE	5–8	180	10
53—John Freeburg	E–DE	6–0	170	9
55—Don Logue	E–DE	6–5	185	12
59—Ken Girard	G–DE	5–10	165	11
64—Nick Buckman	G–LB	5–9	180	10
65—Nick Tripp	C–DE	5–10	212	11
66—William Crissey	DE–DT	5–10	185	9
68—Tom Orr	G–DE	6–0	240	11
73—J.R. Willman	G–N	5–10	205	12
80—Keith Light	E–LB	6–3	205	12
85—Justin Hazen	G–DE	5–10	185	10
87—Mike Pollman	FB–LB	6–2	220	12
88—Colter Saccento	E–DE	6–3	150	11
89—Bob Greely	G–DL	5–10	195	11

Head Coach: Glen Ekeren.

Assistant Coaches: Monte Neitzel, Tom Culver.

Student Managers: Brandon Steffen, John Ganschow, Nick Skonovd, Jesse Ekeren.

Cheerleaders: Amy Anderson, Darcy Bye, Megan Dreesan, Erica Freeburg, Mandy Klamm, Janet Lueth, Carmen Vogel, Emily Fenhaus.

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. KENNEDY. Mr. President, last week, President Clinton became the first United States President to visit Northern Ireland. The extraordinarily enthusiastic welcome he received from the people was an impressive demonstration of their desire for peace and their gratitude for President Clinton's and America's commitment to that great goal.

Large crowds of both Protestants and Catholics welcomed the President on the Peace Line in Belfast and again at the City Hall for the lighting of the Christmas tree. In addition, the President was also cheered by a large crowd in Dublin when he spoke at College Green during his visit the next day to Ireland.

Just before the President left for his trip, the Irish Prime Minister, John Bruton and the British Prime Minister, John Major, announced the launching of the twin-track process of an international commission on arms, to be led by our former colleague Senator George Mitchell, and talks leading to all-party negotiations by the end of February. The two Prime Ministers credited President Clinton with helping to bring about this significant development. President Clinton's commitment to peace in Northern Ireland has had a profound and positive impact on the efforts of all sides to achieve a lasting peace.

President Kennedy always remembered his 1963 trip to Ireland as among the happiest days of his presidency. I have no doubt that President Clinton will remember his trip with the same fondness.

President Clinton spoke eloquently throughout his visit to England, Northern Ireland, and Ireland and I congratulate him on the remarkable success of his visit. I know several of my colleagues would like to join me in placing the President's statements in the RECORD. I therefore will begin with his first speech which was given to the British Parliament in London. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT TO THE HOUSES OF PARLIAMENT, ROYAL GALLERY OF THE PALACE OF WESTMINSTER, LONDON, ENGLAND, NOVEMBER 29, 1995

My Lord Chancellor, Madam Speaker, Lord Privy Seal, the Lord President of the Council, Mr. Prime Minister, my lords and members of the House of Commons: To the Lord Chancellor, the longer I hear you talk the more I wish we had an institution like this in American government. I look out and see so many of your distinguished leaders in the House of Lords, and I think it might not be a bad place to be after a long and troublesome political career. (Laughter.) My wife

and I are honored to be here today, and I thank you for inviting me to address you.

I have been here to Westminster many times before. As a student, I visited often, and over the last 20 years I have often returned. Always I have felt the power of this place, where the voices of free people who love liberty, believe in reason, and struggle for truth have for centuries kept your great nation a beacon of hope for all the world, and a very special model for your former colonies which became the United States of America.

Here, where the voices of Pitt and Burke, Disraeli and Gladstone rang out; here where the rights of English men and women were secured and enlarged; here where the British people's determination to stand against the tyrannies of this century were shouted to the entire world, here is a monument to liberty to which every free person owes honor and gratitude.

As one whose ancestors came from these isles, I cherish this opportunity. Since I entered public life I have often thought of the words of Prime Minister Churchill when he spoke to our Congress in 1941. He said that if his father had been American and his mother British, instead of the other way around, he might have gotten there on his own. (Laughter.) Well, for a long time I thought that if my forebears had not left this country perhaps I might have gotten here on my own—at least to the House of Commons.

But I have to tell you, now our American television carries your Question Time. And I have seen Prime Minister Major and Mr. Blair and the other members slicing each other up, face-to-face—(Laughter)—with such great wit and skill, against the din of cheers and jeers. I am now convinced my forebears did me a great favor by coming to America. (Laughter.)

Today the United States and the United Kingdom glory in an extraordinary relationship that unites us in a way never before seen in the ties between two such great nations. It is perhaps all the more remarkable because of our history.

First, the war we waged for our independence; and then barely three decades later, another war we waged in which your able forces laid siege to our Capitol. Indeed, the White House still bears the burn marks of that earlier stage in our relationship. And now, whenever we have even the most minor disagreement I walk out on the Truman Balcony and I look at those burn marks, just to remind myself that I dare not let this relationship get out of hand again. (Laughter.)

In this century we overcame the legacy of our differences. We discovered our common heritage again, and even more important, we rediscovered our shared values. This November, we are reminded of how exactly the bonds that now join us grew—of the three great trials our nations have faced together in this century.

A few weeks ago we marked the anniversary of that day in 1918 when the guns fell silent in World War I, a war we fought side by side to defend democracy against militarism and reaction. On this Veterans Day for us and Remembrance Day for you, we both paid special tribute to the British and American generation that, 50 years ago now, in the skies over the Channel, on the craggy hills of Italy, in the jungles of Burma, in the flights over the Hump did not fail or falter. In the greatest struggle for freedom in all of history, they saved the world.

Our nations emerged from that war with the resolve to prevent another like it. We bound ourselves together with other democracies in the West and with Japan, and we stood firm throughout the long twilight struggle of the Cold War—from the Berlin Airlift of 1948, to the fall of the Berlin Wall on another November day just six years ago.

In the years since, we have also stood together—fighting together for victory in the Persian Gulf, standing together against terrorism, working together to remove the nuclear cloud from our children's bright future; and together, preparing the way for peace in Bosnia, where your peacekeepers have performed heroically and saved the lives of so many innocent people. I thank the British nation for its strength and its sacrifice through all these struggles. And I am proud to stand here on behalf of the American people to salute you.

Ladies and gentlemen, in this century, democracy has not merely endured, it has prevailed. Now it falls to us to advance the cause that so many fought and sacrificed and died for. In this new era, we must rise not in a call to arms, but in a call to peace.

The great American philosopher, John Dewey, once said, ''The only way to abolish war is to make peace heroic.'' Well, we know we will never abolish war or all the forces that cause it because we cannot abolish human nature or the certainty of human error. But we can make peace heroic. And in so doing, we can create a future even more true to our ideals than all our glorious past. To do so, we must maintain the resolve and peace we shared in war when everything was at stake.

In this new world our lives are not so very much at risk, but much of what makes life worth living is still very much at stake. We have fought our wars. Now let us wage our peace.

This time is full of possibility. The chasm of ideology has disappeared. Around the world, the ideals we defended and advanced are now shared by more people than ever before. In Europe and many other nations long-suffering peoples at last control their own destinies. And as the Cold War gives way to the global village, economic freedom is spreading alongside political freedom, bringing with it renewed hope for a better life, rooted in the honorable and healthy competition of effort and ideas.

America is determined to maintain our alliance for freedom and peace with you, and determined to seek the partnership of all like-minded nations to confront the threats still before us. We know the way. Together we have seen how we succeed when we work together.

When President Roosevelt and Prime Minister Churchill first met on the Deck of the HMS Prince of Wales in 1941 at one of the loneliest moments in your nation's history , they joined in prayer, and the Prime Minister was filled with hope. Afterwards, he said, ''The same language, the same hymns, more or less the same ideals. Something big may be happening, something very big.''

Well, once again, he was right. Something really big happened. On the basis of those ideals, Churchill and Roosevelt and all of their successors built an enduring alliance and a genuine friendship between our nations. Other times in other places are littered with the vows of friendship sworn during battle and then abandoned in peacetime. This one stands alone, unbroken, above all the rest; a model for the ties that should bind all democracies.

To honor that alliance and the Prime Minister who worked so mightily to create it, I am pleased to announce here, in the home of British freedom, that the United States will name one of the newest and most powerful of its surface ships, a guided missile destroyer, the United States Ship Winston Churchill. (Applause.)

When that ship slips down the ways in the final year of this century, its name will ride the seas as a reminder for the coming century of an indomitable man who shaped our age, who stood always for freedom, who showed anew the glorious strength of the human spirit.

I thank the members of the Churchill family who are here today with us—Lady Soames, Nicholas Soames, Winston Churchill—and I thank the British people for their friendship and their strength over these many years.

After so much success together we know that our relationship with the United Kingdom must be at the heart of our striving in this new era. Because of the history we have lived, because of the power and prosperity we enjoy, because of the accepted truth that you and we have no dark motives in our dealings with other nations, we still bear a burden of special responsibility.

In these few years since the Cold War we have met that burden by making gains for peace and security that ordinary people feel every day. We have stepped back from the nuclear precipice with the indefinite extension of the nuclear Nonproliferation Treaty, and we hope next year a comprehensive test ban treaty.

For the first time in a generation parents in Los Angeles and Manchester and, yes, in Moscow, can now turn out the lights at night knowing there are no nuclear weapons pointed at their children. Our nations are working together to lay the foundation for lasting prosperity. We are bringing down economic barriers between nations with the historic GATT Agreement and other actions that are creating millions of good jobs for our own people and for people throughout the world. The United States and the United Kingdom are supporting men and women who embrace freedom and democracy the world over with good results, from South Africa to Central Europe, from Haiti to the Middle East.

In the United States, we feel a special gratitude for your efforts in Northern Ireland. With every passing month, more people walk the streets and live their lives safely—people who otherwise would have been added to the toll of The Troubles.

Tomorrow I will have the privilege of being the first American President to visit Northern Ireland—a Northern Ireland where the guns are quiet and the children play without fear. I applaud the efforts of Prime Minister Major and Irish Prime Minister Bruton who announced yesterday their new twin-track initiative to advance the peace process, an initiative that provides an opportunity to begin a dialogue in which all views are represented and all views can be heard.

This is a bold step forward for peace. I applaud the Prime Minister for taking this risk for peace. It is always a hard choice, the choice for peace, for success is far from guaranteed, and even if you fail, there will be those who resent you for trying. But it is the right thing to do. And in the end, the right will win. (Applause.)

Despite all of the progress we have made in all these areas, and despite the problems clearly still out there, there are those who say at this moment of hope we can afford to relax now behind our secure borders. Now is the time, they say, to let others worry about the world's troubles. These are the siren songs of myth. They once lured the United States into isolationism after World War I. They counseled appeasement to Britain on the very brink of World War II. We have gone down that road before. We must never go down that road again. We will never go down that road again. (Applause.)

Though the Cold War is over, the forces of destruction challenge us still. Today, they are armed with a full array of threats, not just the single weapon of frontal war. We see them at work in the spread of weapons of mass destruction, from nuclear smuggling in Europe to a vial of sarin gas being broken open in the Tokyo subway, to the bombing of the World Trade Center in New York.

We see it in the growth of ethnic hatred, extreme nationalism and religious fanaticism, which most recently took the life of one of the greatest champions of peace in the entire world, the Prime Minister of Israel.

We see it in the terrorism that just in recent months has murdered innocent people from Islamabad to Paris, from Riyadh to Oklahoma City. And we see it in the international organized crime and drug trade that poisons our children and our communities.

In their variety these forces of disintegration are waging guerrilla wars against humanity. Like communism and fascism, they spread darkness over light, barbarism over civilization. And like communism and fascism, they will be defeated only because free nations join against them in common cause.

We will prevail again if, and only if, our people support the mission. We are, after all, democracies. And they are the ultimate bosses of our fate. I believe the people will support this. I believe free people, given the information, will make the decisions that will make it possible for their leaders to stand against the new threat to security and freedom, to peace and prosperity.

I believe they will see that this hopeful moment cannot be lost without grave consequences to the future. We must go out to meet the challenges before they come to threaten us. Today, for the United States and for Great Britain, that means we must make the difference between peace and war in Bosnia.

For nearly four years a terrible war has torn Bosnia apart, bringing horrors we prayed had vanished from the face of Europe forever—the mass killings, the endless columns of refugees, the campaigns of deliberate rape, the skeletal persons imprisoned in concentration camps.

These crimes did violence to the conscience of Britons and Americans. Now we have a chance to make sure they don't return. And we must seize it.

We must help peace to take hold in Bosnia because so long as that fire rages at the heart of the European Continent, so long as the emerging democracies and our allies are threatened by fighting in Bosnia there will be no stable, undivided, free Europe. There will be no realization of our greatest hopes for Europe. But most important of all, innocent people will continue to suffer and die.

America fought two world wars and stood with you in the Cold War because of our vital stake in a Europe that is stable, strong and free. With the end of the Cold War all of Europe has a chance to be stable, strong and free for the very first time since nation states appeared on the European Continent.

Now the warring parties in Bosnia have committed themselves to peace, and they have asked us to help them make it hold—not by fighting a war, but by implementing their own peace agreement. Our nations have a responsibility to answer the request of those people to secure their peace. Without our leadership and without the presence of NATO there will be no peace in Bosnia.

I thank the United Kingdom that has already sacrificed so much for its swift agreement to play a central role in the peace implementation. With this act, Britain holds true to its history and to its values. And I pledge to you that America will live up to its history and its ideals as well.

We know that if we do not participate in Bosnia our leadership will be questioned and our partnerships will be weakened—partnerships we must have if we are to help each other in the fight against the common threats we face. We can help the people of Bosnia as they seek a way back from savagery to civility. And we can build a peaceful, undivided Europe.

Today I reaffirm to you that the United States, as it did during the defense of democracy during the Cold War, will help lead in building this Europe by working for a broader and more lasting peace, and by supporting a Europe bound together in a woven fabric of vital democracies, market economies and security cooperation.

Our cooperation with you through NATO, the sword and shield of democracy, can help the nations that once lay behind the Iron Curtain to become a part of the new Europe. In the Cold War the alliance kept our nation secure, and bound the Western democracies together in common cause. It brought former adversaries together and gave them the confidence to look past ancient enmities. Now, NATO will grow and expand the circle of common purpose, first through its Partnership for Peace, which is already having a remarkable impact on the member countries; and then, as we agree, with the admissions of new democratic members. It will threaten no one. But it will give its new allies the confidence they need to consolidate their freedoms, build their economies, strengthen peace and become your partners for tomorrow.

Members of the House of Commons and Noble Lords, long before there was a United States, one of your most powerful champions of liberty and one of the greatest poets of our shared language wrote: ''Peace hath her victories, no less renowned then war.'' In our time, at last, we can prove the truth of John Milton's words.

As this month of remembrance passes and the holidays approach, I leave you with the words Winston Churchill spoke to America during America's darkest holiday season of the century. As he lit the White House Christmas Tree in 1941, he said, ''Let the children have their night of fun and laughter. Let us share to the full in their unstinted pleasure before we turn again to the stern tasks in the year that lies before us. But now, by our sacrifice and bearing, these same children shall not be robbed of their inheritance or denied their right to live in a free and decent world.''

My friends, we have stood together in the darkest moments of our century. Let us now resolve to stand together for the bright and shining prospect of the next century. It can be the age of possibility and the age of peace. Our forebears won the war. Let us now win the peace.

May God bless the United Kingdom, the United States and our solemn alliance. Thank you very much. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. LEAHY. Mr. President, I join Senator KENNEDY in congratulating President Clinton on his successful trip to the United Kingdom and Ireland. Although I was not able to accept the President's invitation to accompany him on that historic visit due to other commitments I had in Vermont, like millions of Americans I followed his travels closely in the press. One of the most memorable events was the President's speech to the workers at the Mackie Metal Plant in Belfast.

Mackie's is located on the Peace Line which has historically divided Catholics from Protestants. People from both communities come together at Mackie's to an integrated work force where they work side by side. At Mackie's, President Clinton spoke of those who helped bring about the peace process—the political leaders, and more importantly, the people of Northern Ireland ''who have shown the world in concrete ways that here the will for peace is now stronger than the weapons for war.''

The President called for an end to punishment beatings as well as for the full participation in the democratic process of those who have renounced violence. He said that the United States will stand with those who take risks for peace. The President spoke for all of us that day and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT TO EMPLOYEES AND COMMUNITY OF THE MACKIE METAL PLANT

[Belfast, Northern Ireland, Nov. 30, 1995]

This is one of those occasions where I really feel that all that needs to be said has already been said. I thank Catherine and David for introducing me, for all the school children of Northern Ireland who are here today, and for all whom they represent. A big part of peace is children growing up safely, learning together and growing together.

I thank Patrick Dougan and Ronnie Lewis for their remarks, for their work here, for all the members of the Mackie team who are with us today in welcoming us to this factory. I was hoping we could have an event like this in Northern Ireland at a place where people work and reach out to the rest of the world in a positive way, because a big part of peace is working together for family and community and for the welfare of the common enterprise.

It is good to be among the people of Northern Ireland who have given so much to America and the world, and good to be here with such a large delegation of my fellow Americans, including, of course, my wife, and I see the Secretary of Commerce here and the Ambassador to Great Britain, and a number of others. But we have quite a large delegation from both parties in the United States Congress, so we've sort of got a truce of our own going on here today. (Laughter.)

And I'd like to ask the members of Congress who have come all the way from Washington, D.C. to stand up and be recognized. Would you all stand? (Applause.)

Many of you perhaps know that one in four of America's Presidents trace their roots to Ireland's shores, beginning with Andrew Jackson, the son of immigrants from Carrickfergus, to John Fitzgerald Kennedy whose forebears came from County Wexford. I know I am only the latest in this time-honored tradition, but I'm proud to be the first sitting American President to make it back to Belfast. (Applause.)

At this holiday season all around the world, the promise of peace is in the air. The barriers of the Cold War are giving way to a global village where communication and cooperation are the order of the day. From South Africa to the Middle East, and now to troubled Bosnia, conflicts long thought impossible to solve are moving along the road to resolution. Once-bitter foes are clasping hands and changing history. And long-suffering people are moving closer to normal lives.

Here in Northern Ireland, you are making a miracle—a miracle symbolized by those two children who held hands and told us what this whole thing is all about. In the land of the harp and the fiddle, the fife and the lambeg drum, two proud traditions are coming together in the harmonies of peace. The cease-fire and negotiations have sparked a powerful transformation.

Mackie's Plant is a symbol of Northern Ireland's rebirth. It has long been a symbol of world-class engineering. The textile machines you make permit people to weave disparate threads into remarkable fabrics. That is now what you must do here with the people of Northern Ireland.

Here we lie along the peace line, the wall of steel and stone separating Protestant from Catholic. But today, under the leadership of Pat Dougan, you are bridging the divide, overcoming a legacy of discrimination where fair employment and integration are the watchwords of the future.

On this shop floor men and women of both traditions are working together to achieve common goals. Peace, once a distant dream, is now making a difference in everyday life in this land. Soldiers have left the streets of Belfast; many have gone home. People can go to the pub or the store without the burden of the search or the threat of a bomb. As barriers disappear along the border, families and communities divided for decades are becoming whole once more.

This year in Armagh on St. Patrick's Day, Protestant and Catholic children led the parade together for the first time since The Troubles began. A bystander's words marked the wonder of the occasion when he said, ''Even the normal is beginning to seem normal.''

The economic rewards of peace are evident as well. Unemployment has fallen here to its lowest level in 14 years, while retail sales and investment are surging. Far from the gleaming city center, to the new shop fronts of Belfast, to the Enterprise Center in East Belfast, business is thriving and opportunities are expanding. With every extra day that the guns are still, business confidence grows stronger and the promise of prosperity grows as well.

As the shroud of terror melts away, Northern Ireland's beauty has been revealed again to all the world—the castles and coasts, the Giants Causeway, the lush green hills, the high white cliffs—a magical backdrop to your greatest asset which I saw all along the way from the airport here today, the warmth and good feeling of your people. Visitors are now coming in record numbers. Indeed, today, the air route between Belfast and London is the second busiest in all of Europe.

I want to honor those whose courage and vision have brought us to this point: Prime Minister Major, Prime Minister Bruton, and before him, Prime Minister Reynolds, laid the background and the basis for this era of reconciliation. From the Downing Street Declaration to the joint framework document, they altered the course of history. Now, just in the last few days, by launching the twin-track initiative, they have opened a promising new gateway to a just and lasting peace. Foreign Minister Spring, Sir Patrick Mayhew, David Trimble and John Hume all have labored to realize the promise of peace. And Gerry Adams, along with Loyalist leaders such as David Irvine and Gary McMichael, helped to silence the guns on the streets and to bring about the first peace in a generation.

But most of all, America salutes all the people of Northern Ireland who have shown the world in concrete ways that here the will for peace is now stronger than the weapons of war. With mixed sporting events encouraging competition on the playing field, not the battlefield; with women's support groups, literacy programs, job training centers that served both communities—these and countless other initiatives bolster the foundations of peace as well.

Last year's cease-fire of the Irish Republican Army, joined by the combined Loyalist Military Command, marked a turning point in the history of Northern Ireland. Now is the time to sustain that momentum and lock in the gains of peace. Neither community wants to go back to the violence of the past. The children told of that today. Both parties must do their part to move this process forward now.

Let me begin by saying that the search for common ground demands the courage of an open mind. This twin-track initiative gives the parties a chance to begin preliminary talks in ways in which all views will be represented and all voices will be heard. It also establishes an international body to address the issue of arms decommissioning. I hope the parties will seize this opportunity. Engaging in honest dialogue is not an act of surrender, it is an act of strength and common sense. (Applause.)

Moving from cease-fire to peace requires dialogue. For 25 years now the history of Northern Ireland has been written in the blood of its children and their parents. The cease-fire turned the page on that history; it must not be allowed to turn back. (Applause.)

There must also be progress away from the negotiating table. Violence has lessened, but it has not disappeared. The leaders of the four main churches recently condemned the so-called punishment beatings and called for an end to such attacks. I add my voice to theirs. (Applause.)

As the church leaders said, this is a time when the utmost efforts on all sides are needed to build a peaceful and confident community in the future. But true peace requires more than a treaty, even more than the absence of violence. Those who have suffered most in the fighting must share fairly in the fruits of renewal. The frustration that gave rise to violence must give way to faith in the future.

The United States will help to secure the tangible benefits of peace. Ours is the first American administration ever to support in the Congress the International Fund for Ireland, which has become an engine for economic development and for reconciliation. We will continue to encourage trade and investment and to help end the cycle of unemployment.

We are proud to support Northern Ireland. You have given America a very great deal. Irish Protestant and Irish Catholic together have added to America's strength. From our battle for independence down to the present day, the Irish have not only fought in our wars, they have built our nation, and we owe you a very great debt. (Applause.)

Let me say that of all the gifts we can offer in return, perhaps the most enduring and the most precious is the example of what is possible when people find unity and strength in their diversity. We know from our own experience even today how hard that is to do. After all, we fought a great Civil War over the issue of race and slavery in which hundreds of thousands of our people were killed.

Today, in one of our counties alone, in Los Angeles, there are over 150 different ethnic and racial groups represented. We know we can become stronger if we bridge our differences. But we learned in our own Civil War that that has to begin with a change of the heart.

I grew up in the American South, in one of the states that tried to break from the American Union. My forebears on my father's side were soldiers in the Confederate Army. I was reading the other day a book about our first governor after the Civil War who fought for the Union Army, and who lost members of his own family. They lived the experience so many of you have lived. When this governor took office and looked out over a sea of his fellow citizens who fought on the other side, he said these words: ''We have all done wrong. No one can say his heart is altogether clean and his hands altogether pure. Thus, as we wish to be forgiven, let us forgive those who have sinned against us and ours.'' That was the beginning of America's reconciliation, and it must be the beginning of Northern Ireland's reconciliation. (Applause.)

It is so much easier to believe that our differences matter more than what we have in common. It is easier, but it is wrong. We all cherish family and faith, work and community. We all strive to live lives that are free and honest and responsible. We all want our children to grow up in a world where their talents are matched by their opportunities. And I believe those values are just as strong in County Londonderry as they are in Londonderry, New Hampshire; in Belfast, Northern Ireland as in Belfast, Maine.

I am proud to be of Ulster Scots stock. I am proud to be, also, of Irish stock. I share these roots with millions and millions of Americans, now over 40 million Americans. And we rejoice at things being various, as Louis MacNeice once wrote. It is one of the things that makes America special.

Because our greatness flows from the wealth of our diversity as well as the strength of the ideals we share in common, we feel bound to support others around the world who seek to bridge their own divides. This is an important part of our country's mission on the eve of the 21st century, because we know that the chain of peace that protects us grows stronger with every new link that is forged.

For the first time in half a century now, we can put our children to bed at night knowing that the nuclear weapons of the former Soviet Union are no longer pointed at those children. In South Africa, the long night of apartheid has given way to a new freedom for all peoples. In the Middle East, Arabs and Israelis are stepping beyond war to peace in an area where many believed peace would never come. In Haiti, a brutal dictatorship has given way to a fragile new democracy. In Europe, the dream of a stable, undivided free continent seems finally within reach as the people of Bosnia have the first real hope for peace since the terrible fighting began there nearly four years ago.

The United States looks forward to working with our allies here in Europe and others to help the people in Bosnia—the Muslims, the Croats, the Serbs—to move beyond their divisions and their destructions to make the peace agreement they have made a reality in the lives of their people.

Those who work for peace have got to support one another. We know that when leaders stand up for peace, they place their forces on the line, and sometimes their very lives on the line, as we learned so recently in the tragic murder of the brave Prime Minister of Israel. For, just as peace has its pioneers, peace will always have its rivals. Even when children stand up and say what these children said today, there will always be people who, deep down inside, will never be able to give up the past.

Over the last three years I have had the privilege of meeting with and closely listening to both Nationalists and Unionists from Northern Ireland, and I believe that the greatest struggle you face now is not between opposing ideas or opposing interests. The greatest struggle you face is between those who, deep down inside, are inclined to be peacemakers, and those who, deep down inside, cannot yet embrace the cause of peace. Between those who are in the ship of peace and those who are trying to sink it, old habits die hard. There will always be those who define the worth of their lives not by who they are, but by who they aren't; not

by what they're for, but by what they are against. They will never escape the dead-end street of violence. But you, the vast majority, Protestant and Catholic alike, must not allow the ship of peace to sink on the rocks of old habits and hard grudges. (Applause.)

You must stand firm against terror. You must say to those who still would use violence for political objectives—you are the past; your day is over. Violence has no place at the table of democracy, and no role in the future of this land. By the same token, you must also be willing to say to those who renounce violence and who do take their own risks for peace that they are entitled to be full participants in the democratic process. Those who show the courage—(applause)—those who do show the courage to break with the past are entitled to their stake in the future.

As leaders for peace become invested in the process, as leaders make compromises and risk the backlash, people begin more and more—I have seen this all over the world—they begin more and more to develop a common interest in each other's success; in standing together rather than standing apart. They realize that the sooner they get to true peace, with all the rewards it brings, the sooner it will be easy to discredit and destroy the forces of destruction.

We will stand with those who take risks for peace, in Northern Ireland and around the world. I pledge that we will do all we can, through the International Fund for Ireland and in many other ways, to ease your load. If you walk down this path continually, you will not walk alone. We are entering an era of possibility unparalleled in all of human history. If you enter that era determined to build a new age of peace, the United States of America will proudly stand with you. (Applause.)

But at the end of the day, as with all free people, your future is for you to decide. Your destiny is for you to determine. Only you can decide between division and unity, between hard lives and high hopes. Only you can create a lasting peace. It takes courage to let go of familiar divisions. It takes faith to walk down a new road. But when we see the bright gaze of these children, we know the risk is worth the reward.

I have been so touched by the thousands of letters I have received from schoolchildren here, telling me what peace means to them. One young girl from Ballymena wrote—and I quote—''It is not easy to forgive and forget, especially for those who have lost a family member or a close friend. However, if people could look to the future with hope instead of the past with fear, we can only be moving in the right direction.'' I couldn't have said it nearly as well.

I believe you can summon the strength to keep moving forward. After all, you have come so far already. You have braved so many dangers, you have endured so many sacrifices. Surely, there can be no turning back. But peace must be waged with a warrior's resolve—bravely, proudly, and relentlessly—secure in the knowledge of the single, greatest difference between war and peace: In peace, everybody can win. (Applause.)

I was overcome today when I landed in my plane and I drove with Hillary up the highway to come here by the phenomenal beauty of the place and the spirit and the goodwill of the people. Northern Ireland has a chance not only to begin anew, but to be a real inspiration to the rest of the world, a model of progress through tolerance.

Let us join our efforts together as never before to make that dream a reality. Let us join our prayers in this season of peace for a future of peace in this good land.

Thank you very much. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. KERRY. Mr. President, I join in commending President Clinton for his historic visit to Ireland, Northern Ireland, and England.

Those of us who support peace in Northern Ireland watched as the President and First Lady lit the Christmas tree—sent from Tennessee with the help of the Vice President—in front of Belfast's City Hall last Thursday night. Thousands of people—Catholic and Protestant—turned out to celebrate the beginning of the Christmas season and, more importantly, the peace that Northern Ireland has known for more than 15 months.

In his remarks, the President spoke of the historic ties between the people of Northern Ireland and the United States and the bonds we continue to build. Mostly, he and the First Lady spoke of the children of Northern Ireland and their hopes and dreams for a lasting peace. I ask unanimous consent that the remarks of the President and the First Lady may be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

BELFAST CITY HALL, BELFAST, NORTHERN IRELAND, NOVEMBER 30, 1995

Mrs. CLINTON. Thank you very much, Lord Mayor. And thank all of you. (Applause.) Tonight is a night filled with hope and peace. And for those of us gathered here throughout Northern Ireland and around the world, often it is our children who offer us the clearest and purest reasons why peace and why this peace process is so important.

In a national competition, asking students to share their hopes for a peaceful Northern Ireland in letters to my husband, two students whom you see here tonight, Cathy Harte and Mark Lennox won the top prize. We will be privileged to have them in America at summer camp this coming summer. Tonight it is my privilege to read excerpts from their letters.

This is what Cathy said: ''My name is Cathy Harte and I am a 12-year-old Catholic girl. I live in Belfast in Northern Ireland, and I love it here. It's green, it's beautiful, and, well, it's Ireland.'' (Applause.) ''All my life, I have only known guns and bombs with people fighting. Now, it is different. There are no guns and bombs.''

Cathy continues: ''My dream's for the future, well, I have a lot of them. Hopefully, the peace will be permanent; that one day Catholics and Protestants will be able to walk hand-in-hand and will be able to live in the same areas.'' (Applause.) ''Catholics, Protestants, black or white, it is the person inside that counts.'' (Applause.) ''What I hope,'' said Cathy, ''is that when I have my own children that there will still be peace and that Belfast will be a peaceful place from now on.''

Thank you, Cathy. (Applause.)

Mark Lennox is the same age as our daughter, 15. And he explains in his letter the simple hows of achieving peace. And this is what he says: ''I am a 15-year-old schoolboy from Glengormley High School. I am very pleased about the chance of permanent peace in Northern Ireland and the chances of living in a secure atmosphere.

''If Northern Ireland is to have a future, then we must all learn to live with each other in a more tolerant way. Also, we must all work hard for peace and make a real effort. We will have to change our ideas and work for change. Change must mean changing our own understanding of each other. We must learn together and know more about our different traditions.

Some people want to destroy peace and the peace process in Northern Ireland.'' And Mark says, ''We must not allow this to happen.'' (Applause.)

As the Lord Mayor said, in a moment the Christmas tree will be lit as Christmas trees will be lit all over the world in the days to come. This Christmas let us remember the reason behind why we light Christmas trees. Let us remember the reason for this great holiday celebration. And let us remember that we seek peace most of all for our children. May this be one of many, many happy and peaceful Christmases in Northern Ireland this year and for many years to come. (Applause.) And may God keep you and bless you and hold all of you in the palm of His hand. Thank you and God bless you.

(Applause.)

LORD MAYOR. Now, ladies and gentlemen, we have a duty to do tonight. And that is we're going to ask the President to turn the lights on. But you and I have something to do. We have to count down, 10 down to zero. So we want the count, 10, 9—slowly please, so that when the President gets ready I'll give you the okay and then we will have the countdown.

(The Christmas tree is lit.)

The PRESIDENT. Thank you very much. (Applause.) To the Lord Mayor and Lady Mayoress, let me begin by saying to all of you, Hillary and I thank you from the bottom of our hearts for making us feel so very, very welcome in Belfast and Northern Ireland. (Applause.) We thank you, Lord Mayor, for your cooperation and your help in making this trip so successful, and we trust that, for all of you, we haven't inconvenienced you too much. But this has been a wonderful way for us to begin the Christmas holidays. (Applause.)

Let me also say I understood just what an honor it was to be able to turn on this Christmas tree when I realized the competition. (Laughter.) Now, to become President of the United States you have to undertake some considerable competition. But I have never confronted challengers with the name recognition, the understanding of the media and the ability in the martial arts of the Mighty Morphin Power Rangers. (Applause.)

To all of you whose support enabled me to join you tonight and turn the Christmas tree on, I give you my heartfelt thanks. (Applause.) I know here in Belfast you've been lighting the Christmas tree for more than 20 years. But this year must be especially joyous to you, for you are entering your second Christmas of peace. (Applause.)

As I look down these beautiful streets, I think how wonderful it will be for people to do their holiday shopping without worry of searches or bombs; to visit loved ones on the other side of the border without the burden of checkpoints or roadblocks; to enjoy these magnificent Christmas lights without any fear of violence. Peace has brought real change to your lives.

Across the ocean, the American people are rejoicing with you. We are joined to you by strong ties of community and commerce and culture. Over the years men and women of both traditions have flourished in our country and helped America to flourish.

And today, of course, we are forging new and special bonds. Belfast's sister city in the United States, Nashville, Tennessee, was proud to send this Christmas tree to friends across the Atlantic. I want to thank the most prominent present resident of Nashville, Tennessee, Vice President Al Gore, the

Mayor, Phil Bredesen, and the United States Air Force for getting this big tree all the way across the Atlantic to be here with you tonight. (Applause.)

In this 50th anniversary year of the end of World War II, many Americans still remember the warmth the people of Northern Ireland showed them when the army was stationed here under General Eisenhower. The people of Belfast named General Eisenhower an honorary burgess of the city. He viewed that honor, and I quote, ''as a token of our common purpose to work together for a better world.'' That mission endures today. We remain Americans and as people of Northern Ireland, partners for security, partners for prosperity and, most important, partners for peace. (Applause.)

Two years ago, at this very spot, tens of thousands of you took part in a day for peace, as a response to some of the worst violence Northern Ireland had known in recent years. The two morning papers, representing both traditions, sponsored a telephone poll for peace that generated almost 160,000 calls. In the United States, for my fellow Americans who are here, that would be the equivalent of 25 million calls.

The response left no doubt that all across Northern Ireland the desire for peace was becoming a demand. I am honored to announce today that those same two newspapers, the Newsletter and the Irish News, have established the President's Prize, an annual award to those at the grass-roots level who have contributed most to peace and reconciliation. The honorees will travel to the United States to exchange experiences on the issues we share, including community relations and conflict resolution. We have a lot to learn from on another. The President's Prize will underscore that Northern Ireland's two traditions have a common interest in peace.

As you know—and as the First Lady said—I have received thousands of letters from school children all over your remarkable land telling me what peace means to them. They poured in from villages and cities, from Catholic and Protestant communities, from mixed schools, primary schools, from schools for children with special needs. All the letters in their own way were truly wonderful for their honesty, their simple wisdom and their passion. Many of the children showed tremendous pride in their homeland, in its beauty and its true nature. I congratulate the winners. They were wonderful and I loved hearing their letters.

But let me tell you about another couple I received. Eleven-year-old Keith from Carrickfergus wrote: ''Please tell everyone in America that we're not always fighting here, and that it's only a small number of people who make the trouble.'' Like many of the children, Keith did not identify himself as Protestant or Catholic, and did not distinguish between the sources of the violence.

So many children told me of loved ones they have lost, of lives disrupted and opportunities forsaken and families forced to move. Yet, they showed remarkable courage and strength and a commitment to overcome the past. As 14-year-old Sharon of County Armagh wrote: ''Both sides have been hurt. Both sides must forgive.''

Despite the extraordinary hardships so many of these children have faced, their letters were full of hope and love and humor. To all of you who took the time to write me, you've brightened my holiday season with your words of faith and courage, and I thank you. To all of you who asked me to do what I could to help peace take root, I pledge you America's support. We will stand with you as you take risks for peace. (Applause.)

And to all of you who have not lost your sense of humor, I say thank you. I got a letter from 13-year-old Ryan from Belfast. Now, Ryan, if you're out in the crowd tonight, here's the answer to your question. No, as far as I know, an alien spacecraft did not crash in Roswell, New Mexico, in 1947. (Laughter.) And, Ryan, if the United States Air Force did recover alien bodies, they didn't tell me about it, either, and I want to know. (Applause.)

Ladies and gentlemen, this day that Hillary and I have had here in Belfast and in Derry and Londonderry County will long be with us—(applause)—as one of the most remarkable days of our lives. I leave you with these thoughts. May the Christmas spirit of peace and goodwill flourish and grow in you. May you remember the words of the Lord Mayor: ''This is Christmas. We celebrate the world in a new way because of the birth of Emmanuel; God with us.'' And when God was with us, he said no words more important than these: ''Blessed are the peacemakers, for they shall inherit the Earth.'' (Applause.)

Merry Christmas, and God bless you all. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. LAUTENBERG. Mr. President, I too would like to congratulate President Clinton on his visit to Ireland and the United Kingdom. His visit reminds us all of the important role that the United States can play, and is playing, in bringing peace around the world.

During his visit, the President visited Derry where he spoke to thousands of people who gathered at the Guild Hall. He also joined the American Ireland Fund and the family of the late Speaker of the House of Representatives in inaugurating the Thomas P. O'Neill Chair for the Study of Peace and Conflict Resolution at Ulster University.

The President also paid tribute to ''Ireland's most tireless champion for civil rights and its most eloquent voice of non-violence, John Hume.'' And he spoke of reconciliation and hope. I am sure he was right when he said that Tip was smiling down on Derry that day.

Mr. President, I ask unanimous consent that the President's addresses in Derry may be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

Thank you. (Applause.) Thank you very much. Mr. Mayor, Mrs. Kerr, Mr. and Mrs. Hume, Sir Patrick and Lady Mayhew, and to this remarkable crowd. Let me say—(applause)—there have been many Presidents of the United States who had their roots in this soil. I can see today how lucky I am to be the first President of the United States to come back to this city to say thank you very much. (Applause.)

Hillary and I are proud to be here in the home of Ireland's most tireless champion for civil rights and its most eloquent voice of non-violence, John Hume. (Applause.) I know that at least twice already I have had the honor of hosting John and Pat in Washington. And the last time I saw him I said, you can't come back to Washington one more time until you let me come to Derry. And here I am. (Applause.)

I am delighted to be joined here today by a large number of Americans, including a distinguished delegation of members of our United States Congress who have supported peace and reconciliation here and who have supported economic development through the International Fund for Ireland.

I am also joined today by members of the O'Neill family. (Applause.) Among the last great chieftains of Ireland were the O'Neills of Ulster. But in America, we still have chieftains who are the O'Neills of Boston. They came all the way over here to inaugurate the Tip O'Neill Chair and Peace Studies here at the University of Ulster. (Applause.) This chair will honor the great Irish American and late Speaker of the House of Representatives by furthering his dream of peace in Northern Ireland. And I am honored to be here with his family members today.

All of you know that this city is a very different place from what a visitor like me would have seen just a year and a half ago, before the cease-fire. Crossing the border now is as easy as crossing a speed bump. The soldiers are off the streets. The city walls are open to civilians. There are no more shakedowns as you walk into a store. Daily life has become more ordinary. But this will never be an ordinary city. (Applause.)

I came here because you are making a home for peace to flourish and endure—a local climate responsible this week for the announcement of new business operations that offer significant new opportunities to you, as well as new hope. Let me applaud also the success of the Inner City Trust and Patty Dogherty who have put people to work rebuilding bombed-out buildings, building new ones, and building up confidence and civic pride. (Applause.)

America's connections to this place go back a long, long time. One of our greatest cities, Philadelphia, was mapped out three centuries ago by a man who was inspired by the layout of the streets behind these walls. His name was William Penn. He was raised a Protestant in Ireland in a military family. He became a warrior and he fought in Ulster. But he turned away from warfare, traded in his armor, converted to the Quaker faith and became a champion of peace.

Imprisoned for his religious views, William Penn wrote one of the greatest defenses of religious tolerance in history. Released from prison, he went to America in the 1680s, a divisive decade here, and founded Pennsylvania, a colony unique in the new world because it was based on the principle of religious tolerance.

Philadelphia quickly became the main port of entry for immigrants from the north of Ireland who made the Protestant and Catholic traditions valuable parts of our treasured traditions in America. Today when he travels to the States, John Hume is fond of reminding us about the phrase that Americans established in Philadelphia as the motto of our nation, ''E pluribus unum''—Out of many, one—the belief that back then Quakers and Catholics, Anglicans and Presbyterians could practice 0their religion, celebrate their culture, honor their traditions and live as neighbors in peace.

In the United States today in just one county, Los Angeles, there are representatives of over 150 different racial, ethnic and religious groups. We are struggling to live out William Penn's vision, and we pray that you will be able to live out that vision as well. (Applause.)

Over the last three years since I have had the privilege to be the President of the United States I have had occasion to meet with Nationalists and to meet with Unionists, and to listen to their sides of the story. I have come to the conclusion that here, as in so many other places in the world—from the Middle East to Bosnia—the divisions that are most important here are not the divisions between opposing views or opposing interests. Those divisions can be reconciled.

The deep divisions, the most important ones, are those between the peacemakers and the enemies of peace—those who, deep, deep down inside want peace more than anything, and those who, deep down inside can't bring themselves to reach out for peace. Those who are in the ship of peace and those who would sink it. Those who bravely meet on the bridge of reconciliation, and those who would blow it up.

My friends, everyone in life at some point has to decide what kind of person he or she is going to be. Are you going to be someone who defines yourself in terms of what you are against, or what you are for? Will you be someone who defines yourself in terms of who you aren't, or who you are? The time has come for the peacemakers to triumph in Northern Ireland, and the United States will support them as they do. (Applause.)

The world-renowned playwright from this city, Brian Friel, wrote a play called ''Philadelphia, Here I Come.'' And in a character who is about to immigrate from Ireland thinks back on his past life and says to himself, it's all over. But his alter ego reminds him of his future and replies, and it's about to begin. It's all over and it's about to begin. If only change were that easy.

To leave one way of life behind in search of another takes a strong amount of faith and courage. But the world has seen here over the last 15 months that people from Londonderry County to County Down, from Antrim to Armagh, have made the transition from a time of ever-present fear to a time of fragile peace. The United States applauds the efforts of Prime Minister Major and Prime Minister Bruton who have launched the new twin-track initiative and have opened a process that gives the parties to begin a dialogue in which all views are representative, and all can be heard.

Not far from this spot stands a statue of reconciliation—two figures, ten feet tall, each reaching out a hand toward the other, but neither quite making it across the divide. It is a beautiful and powerful symbol of where many people stand today in this great land. Let it now point people to the handshake of reconciliation. Life cannot be lived with the stillness of statues. Life must go on. The hands must come closer together or drift further apart.

Your great Nobel Prize winning poet, Seamus Heaney, wrote the following words—(applause)—wrote the following words that some of you must know already, but that for me capture this moment. He said: ''History says don't hope on this side of the grave, but then, once in a lifetime the longed-for tidal wave of justice can rise up. And hope and history rhyme. So hope for a great sea change on the far side of revenge. Believe that a further shore is reachable from here. Believe in miracles and cures and healing wells.''

Well, my friends, I believe. I believe we live in a time of hope and history rhyming. Standing here in front of the Guild Hall, looking out over these historic walls, I see a peaceful city, a safe city, a hopeful city, full of young people that should have a peaceful and prosperous future here where their roots and families are. That is what I see today with you. (Applause.)

And so I ask you to build on the opportunity you have before you; to believe that the future can be better than the past; to work together because you have so much more to gain by working together than by drifting apart. Have the patience to work for a just and lasting peace. Reach for it. The United States will reach with you. The further shore of that peace is within your reach.

Thank you, and God bless you all. (Applause.)

Mayor and Mrs. Kerr, Sir Patrick and Mrs. Mayhew, Mr. and Mrs. Hume; to the community and religious leaders who are here and to my fellow Americans who are here, Congressman Walsh and the congressional delegation; Senator Dodd, Senator Mack and others. Let me thank you all for the wonderful reception you have given to Hillary and to me today and, through us, to the people of the United States. And let me thank Tom O'Neill for his incredibly generous remarks. I am honored to be here with him and with his family and with Loretta Brennan Glucksman and the other members of the American Ireland Fund to help inaugurate this Tip O'Neill Chair in Peace Studies.

And thank you, Vice Chancellor Smith, for the degree. You know, I wonder how far it is from a degree to a professorship. (Laughter.) See, I have this job without a lot of tenure, and I'm looking for one with more tenure. (Applause.)

Tip O'Neill was a model for many people he never knew. The model of public service. He proved that a person could be a national leader without losing the common touch, without ever forgetting that all these high-flown speeches we give and all these complex issues we talk about in the end have a real, tangible impact on the lives of ordinary people. And that in any free land, in the end all that really counts are the lives of ordinary people.

He said he was a man of the House, but he was far more. He was fundamentally a man of the people. A bricklayer's son who became the most powerful person in Congress and our nation's most prominent, most loyal champion of ordinary working families.

He loved politics because he loved people, but also because he knew it could make a difference in people's lives. And you have proved here that political decisions by brave people can make a difference in people's lives. Along with Senators Kennedy and Moynihan and former Governor Hugh Carey of New York, he was among the first Irish American politicians to oppose violence in Northern Ireland. And though we miss him sorely, he will long be remembered in the United States and now in Ireland with this O'Neill Chair. It is a fitting tribute to his life and legacy, for he knew that peace had to be nurtured by a deeper understanding among people and greater opportunity for all.

Tip O'Neill was old enough to remember a time when Irish Catholics were actually discriminated against in the United States, and he had the last laugh when they wound up running the place. (Laughter.) In my lifetime—(applause)—I was just thinking that in my conscious political lifetime we've had three Irish Speakers of the House of Representatives: John McCormick and Tip O'Neill of Boston and Tom Foley of Washington State; and, goodness knows how many more we're destined to have.

I am very proud to be here to inaugurate this chair in peace studies. I have been privileged to come here at an important time in your history. I have been privileged to be President at an important time in your history and to do what I could on behalf of the United States to help the peace process go forward.

But the work of peace is really the work of a lifetime. First, you have to put the violence behind you; you have done that. Then, you have to make an agreement that recognizes the differences and the commonalities among you. And this twin-tracks process, I believe is a way at least to begin that process where everyone can be heard.

Then, you have to change the spirit of the people until it is as normal as getting up in the morning and having breakfast, to feel a real affinity for the people who share this land with you without regard to their religion or their politics.

This chair of peace studies can help you to do that. It can be a symbol of the lifetime work of building a peaceful spirit and heart in every citizen of this land.

Our administration has been a strong supporter of the International Fund for Ireland. We will continue to do so because of projects like this one and because of the work still to be done. We were eager to sponsor the conference we had last May, aided by the diligent efforts of our friend, former Senator and Senate Majority Leader George Mitchell who now embarks for you on another historic mission of peace.

I hope very much that Senator Mitchell will succeed. I think the voices I have heard on this trip indicate to me that you want him to succeed, and that you want to succeed.

A lot of incredibly moving things have happened to us today, but I think to me, the most moving were the two children who stood and introduced me this morning in the Mackie Plant in Belfast. They represented all those other children, including children here from Derry who have written me about what peace means to them over the last few weeks.

One young boy said—the young boy who introduced me said that he studied with and played with people who were both Protestant and Catholic and he'd almost gotten to the point where he couldn't tell the difference. (Laughter.) The beautiful young girl who introduced me, that beautiful child, started off by saying what her Daddy did for a living, and then she said she lost her first Daddy in The Troubles. And she thought about it every day, it was the worst day of her life. And she couldn't stand another loss.

The up side and the down side. And those children joined hands to introduce me. I felt almost as if my speech were superfluous. But I know one thing: Tip O'Neill was smiling down on the whole thing today. (Applause.)

The other night I had a chance to go with Hillary to the Ford Theater in Washington, D.C., a wonderful, historic place; it's been there since before our Civil War, and where President Lincoln was assassinated. And I told the people there who come once a year to raise money for it so we can keep it going that we always thought of it as a sad and tragic place, but it was really a place where he came to laugh and escape the cares of our great Civil War. And there, I was thinking that America has always been about three great things, our country: love of liberty, belief in progress, and the struggle for unity.

And the last is in so many ways by far the most difficult. It is a continuing challenge for us to deal with the differences among us, to honestly respect our differences, to stand up where we feel differently about certain things, and still to find that core of common humanity across all the sea of differences which permit us to preserve liberty; to make progress possible and to live up to the deepest truths of our shared human nature.

In the end, that is what this chair is all about. And believe me, we need it everywhere. We need it in the streets of our toughest cities in the United States, where we are attempting to teach our children when they have conflicts, they shouldn't go home and pick up a gun or a knife and hurt each other, they should figure out a way to work through to mutual respect.

We need it in the Middle East, where the Prime Minister of Israel just gave his life to a religious fanatic of his own faith because he dared to make peace and give the children of his country a better future.

We need it in Bosnia, where the leaders have agreed to make peace, but where the people must now purge their heart of the hatred borne of four years of merciless slaughter. We need this everywhere.

So, my friends, I pray not only for your success in making peace, but I pray that

through this Chair and through your example, you will become a model for the rest of the world because the world will always need models for peace.

Thank you, and God bless you all. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. DODD. Mr. President, I join my colleagues in congratulating President Clinton on his trip to Northern Ireland, Ireland, and England and I commend him for his continuing contributions to the peace process which have helped silence the guns for more than 15 months.

I was honored to travel with the President on that trip. Not since President Kennedy's visit to Ireland in 1963 have the people of that island so warmly welcomed an American President. It was also the first time that an American President visited Northern Ireland.

On a sunny day in Dublin, a huge crowd turned out to hear the President's address in front of the Bank of Ireland at College Green where he was awarded the Freedom of the City. And later that day he addressed Ireland's Parliament, the Dáil.

Among other things, the President spoke eloquently about the tragedy of the famine 150 years ago and the most bittersweet of blessings which came from it—the arrival in America of Irish immigrants who would help build our country. Today, 44 million Americans claim Irish descent. They are Protestants and Catholics. Many came during the famine and many came before. All want peace in Northern Ireland. As one of those 44 million Irish Americans, I am grateful for the leadership the President has shown in helping to bring peace to that island which means so much to so many of us.

I ask unanimous consent that the President's remarks in Dublin be printed in the RECORD following my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT IN ADDRESS TO THE PEOPLE OF IRELAND, BANK OF IRELAND AT COLLEGE GREEN, DUBLIN, IRELAND, DECEMBER 1, 1995

Thank you very much. (Applause.) First, let me say to all of you Dubliners and all Ireland, Hillary and I have loved our trip to your wonderful country. (Applause.) To the Taoiseach and Mrs. Bruton; Lord Mayor Loftus and Lady Loftus; City Manager Frank Feely; to all the aldermen who conferred this great honor on me.

To the Americans in the audience, welcome to all of you. (Applause.) Are there any Irish in the audience? (Applause.) I want to say also how pleased I am to be here with a number of Irish American members of the United States Congress; and the Irish American Director of the Peace Corps, Mark Gearan; the Irish American Secretary of Education Richard Riley; and the Secretary of Commerce Ron Brown, who wishes today he were Irish American. Thank you all for being here. (Applause.)

I was on this college green once before. Yes. In 1968, when I was almost as young as some of the young students over there. (Applause.) Lord Mayor, I never dreamed I would be back here on this college green in this capacity, but I am delighted to be here. And I thank you. (Applause.)

I am told that in earlier times the honor I have just received, being awarded the Freedom of the City, meant you no longer had to pay tolls to the Vikings. I'm going to try that on the Internal Revenue Service when I get home. I hope it will work. (Laughter.) Whether it does or not, I am proud to say that I am now a free man of Dublin. (Applause.)

To look out into this wonderful sea of Irish faces on this beautiful Irish day I feel like a real ''Dub'' today—is that what I'm supposed to say? (Applause.) Not only that, I know we have a handy football team. (Laughter.)

Let me say that, as a lot of you know, because of events developing in Bosnia and the prospect of peace there, I had to cut short my trip. But there are a few signs out there I want to respond to. I will return to Ballybunion for my golf game. (Laughter and applause.)

I am also pleased to announce that President Robinson has accepted my invitation to come to the United States next June to continue our friendship. (Applause.)

There's another special Irish-American I want to mention today and that is our distinguished Ambassador to Ireland, Jean Kennedy Smith—(applause)—who came here with her brother, President Kennedy, 32 years ago and who has worked very hard also for the cause of peace in Northern Ireland. (Applause.)

Years ago, Americans learned about Dublin from the stories of James Joyce and Sean O'Casey. Today, America and the world still learn about Dublin and Ireland through the words of Sebastian Barry, Paula Meehin, Roddy Doyle—(applause)—through the films of Jim Sheridan, Neil Jordan; through the voices of Mary Black and the Delores Keane—(applause)—and yes, through the Cranberries and U–2. (Applause.) I hear all about how America's global—the world's global culture is becoming more American, but I believe if you want to grasp the global culture you need to come to Ireland. (Applause.)

All of you know that I have family ties here. My mother was a Cassidy, and how I wish she were alive to be here with me today. She would have loved the small towns and she would have loved Dublin. Most of all, she would have loved the fact that in Ireland, you have nearly 300 racing days a year. (Laughter.) She loved the horses.

I understand that there are some Cassidys out in the audience today. And if they are, I want to say in my best Arkansas accent, cead mile failte—(applause)—beatha saol agus slainte. (Applause.)

One hundred and fifty years ago, the crops of this gorgeous island turned black in the ground and one-fourth of your people either starved from the hunger or were lost to emigration. That famine was the greatest tragedy in Irish history. But out of that horrible curse came the most bittersweet of blessings—the arrival in my country of millions of new Americans who built the United States and climbed to the top of its best works. For every person here in Ireland today, 12 more in the United States have proud roots in Irish soil. (Applause.)

Perhaps the memory of the famine explains in part the extraordinary generosity of the Irish people, not just to needy neighbors in the local parish, but to strangers all around the globe. You do not forget those who still go hungry in the world today; who yearn simply to put food on the table and clothes on their backs. In places as far away as the Holy Land, Asia and Africa, the Irish are helping people to build a future of hope.

Your sons and daughters in the Gardai and the defense forces take part in some of the most demanding missions of goodwill, keeping the peace, helping people in war-torn lands turn from conflict to cooperation. Whenever the troubled places of the earth call out for help, from Haiti to Lebanon, the Irish are always among the very first to answer the call.

Your commitment to peace helps conquer foes that threaten us all. And on behalf of the people of the United States, I say to the people of Ireland: We thank you for that from the bottom of our hearts. (Applause.)

Ireland is helping beat back the forces of hatred and destruction all around the world—the spread of weapons of mass destruction, terrorism, ethnic hatreds, religious fanaticism, the international drug trade. Ireland is helping to beat back these forces that wage war against all humanity. You are an inspiration to people around the world. You have made peace heroic. Nowhere are the people of Ireland more important in the cause of peace today than right here at home.

Tuesday night, before I left the United States to come here, I received the happy word that the Taoiseach and Prime Minister Major had opened a gateway to a just and lasting peace, a peace that will lift the lives of your neighbors in Northern Ireland and their neighbors in the towns and counties that share the Northern border. That was the greatest welcome anyone could have asked for. I applaud the Taoiseach for his courage, but I know that the courage and the heart of the Irish people made it possible. And I thank you for what you did. (Applause.)

Waging peace is risky. It takes courage and strength that is a hard road. It is easier, as I said yesterday, to stay with the old grudges and the old habits. But the right thing to do is to reach for a new future of peace—not because peace is a document on paper, or even a handshake among leaders, but because it changes people's lives in fundamental and good ways.

Yesterday in Northern Ireland I saw that for myself. I saw it on the floor of the Mackie Plant in Belfast, with Catholics and Protestants working side by side to build a better future for their families. I heard it in the voices of the two extraordinary children you may have seen on your television, one a Catholic girl, the other a Protestant boy, who introduced me to the people of Belfast with their hands joined, telling the world of their hopes for the future, a future without bullets or bombs, in which the only barriers they face are the limits to their dreams.

As I look out on this sea of people today I tell you that the thing that moved me most in that extraordinary day in Northern Ireland yesterday was that the young people, Catholic and Protestant alike, made it clear to me not only with their words, but by the expressions on their faces that they want peace and decency among all people. (Applause.)

I know well that the immigration from your country to the shores of mine helped to make America great. But I want more than anything for the young people of Ireland, wherever they live on this island, to be able to grow up and live out their dreams close to their roots in peace and honor and freedom and equality. (Applause.)

I could not say it better than your Nobel Prize-winning poet, Seamus Heany, has said: ''We are living in a moment where hope and history rhyme.'' In Dublin, if there is peace in Northern Ireland, it is your victory, too. And I ask all of you to think about the next steps we must take.

Stand with the Taoiseach as he takes risks for peace. Realize how difficult it is for them, having been in their patterns of opposition for so long to the north of you. And realize that those of you who have more emotional and physical space must reach out and help them to take those next hard steps. It is worth doing.

And to you, this vast, wonderful throng of people here, and all of the people of Ireland, I say: America will be with you as you walk the road of peace. We know from our own experience that making peace among people of different cultures is the work of a lifetime. It is a constant challenge to find strength amid diversity, to learn to respect differences instead of run from them. Every one of us must fight the struggle within our own spirit. We have to decide whether we will define our lives primarily based on who we are, or who we are not; based on what we are for, or what we are against. There are always things to be against in life, and we have to stand against the bad things we should stand against.

But the most important thing is that we have more in common with people who appear on the surface to be different from us than most of us know. And we have more to gain by reaching out in the spirit of brotherhood and sisterhood to those people than we can possibly know. That is the challenge the young people of this generation face. (Applause.)

When President Kennedy came here a generation ago and spoke in this city he said that he sincerely believed—and I quote—''that your future is as promising as your past is proud; that your destiny lies not as a peaceful island in a sea of troubles, but as a maker and shaper of world peace.''

A generation later Ireland has claimed that destiny. Yours is a more peaceful land in a world that is ever more peaceful in significant measure because of the efforts of the citizens of Ireland. For touching the hearts and minds of peace-loving people in every corner of the world; for the risk you must now continue to take for peace; for inspiring the nations of the world by your example; and for giving so much to make America great, America says, thank you.

Thank you, Ireland, and God bless you all. (Applause.)

REMARKS BY THE PRESIDENT IN ADDRESS TO THE IRISH PARLIAMENT, DAIL CHAMBER AT LEINSTER HOUSE, DUBLIN, IRELAND, DECEMBER 1, 1995

Mr. Speaker Comhaile, you appear to be someone who can be trusted with the budget. (Laughter and applause.) Such are the vagaries of faith which confront us all. (Laughter and applause.)

To the Taoiseach, the Tanaiste, members of the Dail and the Seanad, head of the Senate: I'm honored to be joined here, as all of you know, by my wife, members of our Cabinet and members of the United States Congress of both parties—the congressional congregation chaired by Congressman Walsh—they are up there. They got an enormous laugh out of the comments of the Comhaile. (Laughter.) For different reasons they were laughing. (Laughter.)

I thank you for the honor of inviting me here, and I am especially pleased to be here at this moment in your history—before the elected representatives of a strong, confident, democratic Ireland; a nation today playing a greater role in world affairs than ever before.

We live in a time of immense hope and immense possibility; a time captured, I believe, in the wonderful lines of your poet, Seamus Heaney, when he talked of the ''longed-for tidal wave of justice can rise up and hope and history rhyme.'' That is the time in which we live.

It's the world's good fortune that Ireland has become a force for fulfilling that hope and redeeming the possibilities of mankind—a force for good far beyond your numbers. And we are all the better for it.

Today I have traveled from the North where I have seen the difference Ireland's leadership has made for peace there. At the lighting of Belfast's Christmas tree for tens of thousands of people there, in the faces of two communities divided by bitter history, we saw the radiance of optimism born, especially among the young of both communities. In the voices of the Shankill and the Falls, there was a harmony of new hope which we saw. I saw that the people want peace—and they will have it.

George Bernard Shaw, with his wonderful Irish love of irony, said, ''Peace is not only better than war, but infinitely more arduous.'' Well, today, I thank Prime Minister Bruton and former Prime Minister Reynolds and Deputy Prime Minister Spring and Britain's Prime Minister Major, and others, but especially these, for their unfailing dedication to the arduous task of peace.

From the Downing Street Declaration to the historic cease-fire that began 15 months ago, to Tuesday's announcement of the twin-track initiative which will open a dialogue in which all voices can be heard and all viewpoints can be represented, they have taken great risks without hesitation. They've chosen a harder road than the comfortable path of pleasant, present pieties. But what they have done is right. And the children and grandchildren of this generation of Irish will reap the rewards.

Today, I renew America's pledge. Your road is our road. We want to walk it together. We will continue our support—political, financial and moral—to those who take risks for peace. I am proud that our administration was the first to support in the executive budget sent to the Congress the International Fund for Ireland—because we believe that those on both sides of the border who have been denied so much for so long should see that their risks are rewarded with the tangible benefits of peace.

In another context a long time ago, Mr. Yeats reminded us that too long a sacrifice can make a stone of the heart. We must not let the hearts of the young people who yearn for peace turn to stone.

I want to thank you here, not only for the support you've given your leaders in working for peace in Northern Ireland, but for the extraordinary work you have done to wage peace over war all around the world. Almost 1,500 years ago, Ireland stood as a lone beacon of civilization to a continent shrouded in darkness.

It has been said, probably without overstatement, that the Irish, in that dark period, saved civilization. Certainly you saved the records of our civilization—our shared ideas, are shared ideals, our priceless recordings of them.

Now, in our time, when so many nations seek to overcome conflict and barbarism, the light still shines out of Ireland. Since 1958, almost 40 years now, there has never been a single, solitary day that Irish troops did not stand watch for peace on a distant shore. In Lebanon, in Cyprus, in Somalia, in so many other places, more than 41,000 Irish military and police personnel have served over the years as peacekeepers—an immense contribution for a nation whose Armed Forces today number fewer than 13,000.

I know that during your presidency of the European Union next year, Ireland will help to lead the effort to build security for a stable, strong and free Europe. For all—all you have done, and for your steadfast devotion to peace, I salute the people of Ireland.

Our Nation also has a vital stake in a Europe that is stable, strong and free—something which is now in reach for the first time since nation-states appeared on the continent of Europe so many centuries ago. But we know such a Europe can never be built as long as conflict tears at the heart of the continent in Bosnia. The fire there threatens the emerging democracies of the region and our allies nearby. And it also breaks our heart and violates our conscience.

That is why, now that the parties have committed themselves to peace, we in the United States are determined to help them find the way back from savagery to civility, to end the atrocities and heal the wounds of that terrible war. That is why we are preparing our forces to participate there, not in fighting a war, but in securing a peace rooted in the agreement they have freely made.

Standing here, thinking about the devastation in Bosnia, the long columns of hopeless refugees streaming from their homes, it is impossible not to recall the ravages that were visited on your wonderful country 150 years ago—not by war, of course, but by natural disaster when the crops rotted black in the ground.

Today, still, the Great Famine is seared in the memory of the Irish nation and all caring peoples. The memory of a million dead, nearly two million more forced into exile—these memories will remain forever vivid to all of us whose heritage is rooted here.

But as an American, I must say as I did just a few moments ago in Dublin downtown, that in that tragedy came the supreme gift of the Irish to the United States. The men, women and children who braved the coffin ships when Galway and Mayo emptied; when Kerry and Cork took flight, brought a life and a spirit that has enormously enriched the life of our country.

The regimental banner brought by President Kennedy that hangs in this house reminds us of the nearly 200,000 Irishmen who took up arms in our Civil War. Many of them barely were off the ships when they joined the Union forces. They fought and died at Fredericksburg and Chancellorsville and Gettysburg. Theirs was only the first of countless contributions to our Nation from those who fled the famine. But that contribution enabled us to remain a nation and to be here with you today in partnership for peace for your nation and for the peoples who live on this island.

The Irish have been building America ever since— our cities, our industry, our culture, our public life. I am proud that the delegation that has accompanied me here today includes the latest generation of Irish American leaders in the United States, men and women who remain devoted to increasing our strength and safeguarding our liberty.

In the last century, it was often said that the Irish who fled the great hunger were searching for casleain na n-or—castles of gold. I cannot say that they found those castles of gold in the United States, but I can tell you this— they built a lot of castles of gold for the United States in the prosperity and freedom of our Nation. We are grateful for what they did and for the deep ties to Ireland that they gave us in their sons and daughters.

Now we seek to repay that in some small way—by being a partner with you for peace. We seek somehow to communicate to every single person who lives here that we want for all of your children the right to grow up in an Ireland where this entire island gives every man and woman the right to live up to the fullest of their God-given abilities and gives people the right to live in equality and freedom and dignity.

That is the tide of history. We must make sure that the tide runs strong here, for no people deserve the brightest future more than the Irish.

God bless you and thank you. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. PELL. Mr. President, the warm reception President Clinton received last week when he visited Ireland and the United Kingdom was a fitting tribute to his commitment to peace in Northern Ireland.

President Clinton's involvement in the Northern Ireland issue helped bring about the paramilitary cease-fires of 1994 and he continues to impact positively on the efforts for peace there.

On Friday evening, the Irish Government hosted a dinner for President and Mrs. Clinton at Dublin Castle. Irish Prime Minister John Bruton spoke of the President's foreign policy successes, especially his commitment to bringing peace to Northern Ireland. Prime Minister Bruton mentioned in particular United States diplomatic efforts and economic support, including the International Fund for Ireland and the Washington Conference on Investment which the President hosted in May in Washington.

President Clinton commended the Taoiseach for work with Prime Minister Major which led to the recent announcement of the launch of the twin-track process.

I commend to my colleagues the toasts given by the President and Taoiseach and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the toasts were ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT AND PRIME MINISTER BRUTON IN AN EXCHANGE OF TOASTS, DUBLIN CASTLE, DUBLIN, IRELAND, DECEMBER 1, 1995

Mr. BRUTON. Mr. President, Finola and I heartily welcome you and your wife, Hillary Rodham Clinton, to our country. You have seen for yourselves and felt for yourselves the warmth of the affection and the admiration in which you are held throughout this island. The affection and admiration extends to you personally, to your administration, to the office that you hold, and particularly to the great country that you need.

We welcome, too, the bipartisan congressional delegation, representing your two great political parties who have come with you to Ireland.

Tonight is for remembering; it's for celebrating and it's for looking ahead. We think of past Presidents of the United States who have visited Ireland—in June 1963, John Fitzgerald Kennedy captivated Ireland as he captivated the world. To us, he was not only a reminder of our past, but a vision of our future. We thank you for sending the late President's sister, Jean Kennedy Smith, to work with us now as your Ambassador. (Applause.)

The late President Richard Nixon visited this country in 1970. And President Ronald Reagan, who visited us in 1984, was, like you, a great friend of this country; a great man whose bravery in publicly acknowledging his illness has given courage, reassurance and consultation to millions across the globe who face the same challenge in their lives.

The ties which bind Ireland and the United States cover all human activity. The story of the Irish in America is the story of America itself. It's a tale of extraordinary success, shown in the presence here tonight of some outstanding Irish Americans. But to the spectacular achievements of the few must be added the lesser triumphs of the many—Irish farmers and builders; policemen and nurses; teachers and firemen, who from Boston to San Francisco have made America what it is today.

In celebrating success let us not forget hardship. This is the 150th anniversary of the Great Famine which drove so many Irish to seek refuge in America, where they found a welcome and an ability to remake their lives through sheer hard work.

As Ireland itself changes, so, too, does its relationship with the United States. The highly educated Irish emigrants of the 1980s and 1990s are helping make America today a stronger and a better place. They moved back and forth between the old world and the new with facility and ease. And many returned here, having worked in the United States, to become part of the young internationally-minded, well-trained work force which, combined with a good tax and investment climate, make Ireland a natural home, a natural base for great United States cooperations like Intel, Motorola, Microsoft, and Abbott.

In the 74 years since the treaty of 1921, signed this week 74 years ago, this state of ours, born in fire, has transformed itself into a mature European democracy, secure in its ethos, open to the world and proud of its youth.

(Speaks in Gaelic.) (Applause.)

American political ideas of liberty, of government based on the consent of the governed and of the separation of powers, have inspired our Irish Constitution. Your Constitution also acknowledges the fact that people do not always agree. Your second President, John Adams, said that ''America has been a theater of parties and feuds for nearly 200 years.'' Judging from your own recent experience, Mr. President, I think you might agree with him. (Laughter.)

But quarrels pass; ideas remain. The use of political power must be based on moral values. As President Jefferson said, ''Our interests soundly calculated will ever be found inseparable from our moral duties.'' Moral duties freely followed are the best compass in personal relations, the best compass in domestic politics, and the best compass in foreign policy.

We admire the achievements of your administration in foreign policy—in Haiti, in the Middle East, and most recently and most notably, in Bosnia. Your country's moral vision has helped bring peace and stability to the world. I know that I speak for all in Ireland when I say thank you from the depth of my heart for the sustained commitment that you have shown in bringing peace to this country. (Applause.)

At the beginning of your presidency you said that you'd be there for the Irish not just on one day of the year, but every day of the year. You have lived up to that. And so, too, has Vice President Gore, Secretary Christopher, Tony Lake and his staff, and Senator George Mitchell. You and they have given your time and your energies not only to myself and to the Tanaiste, but to many political figures from every side of the divide in Northern Ireland. You've shown balance, as you saw yesterday in Belfast and Derry. You've won respect and confidence right across the divide, across which it is almost impossible to win common respect—the respect that you have won, Mr. President.

And America has backed its words with deeds, as we're seeing in the work of the International Fund for Ireland, and most notably, in the follow-through of your initiative, the Washington Conference on Investment in Ireland.

In Northern Ireland, the key to success and agreement is dialogue. And in dialogue, all must accept those on the other side as they are, not as they might wish them to be. Irish Nationalism is beginning to understand and respect Unionism. Unionists are beginning to understand and respect Nationalism. Both must coexist and must grow together.

The principle of consent is profoundly important. Consent means that the constitutional status of Northern Ireland cannot be changed without the agreement of the people there. But consent also means that the system of government in Northern Ireland must be one to which both communities can agree. In one sense, neither side has a veto. And yet, in another sense, both sides have a veto. So getting agreement isn't going to be easy.

And I believe that we will find in some words of yours, Mr. President, the inspiration that will help us find that illusive agreement. Let us think of all the good that people do on a daily basis—in schools and health care and in business in Northern Ireland. Let us think of the kindness the people there continue to show to one another every day of the week, across the religious divide even at the height of 25 years of trouble. That spirit needs to be reflected in politics.

You said in your inaugural address, ''There's nothing wrong with America that cannot be cured by what is right with America.'' I say there's nothing wrong with Northern Ireland that cannot be cured by what is right with Northern Ireland. There is nothing wrong between North and South on this island that cannot be cured by what is right between North and South on this island. And there's nothing wrong between Britain and Ireland that cannot be cured by what is already right between Britain and Ireland.

While you were still a presidential candidate, in an interview, I believe, to The New York Times in 1992—June, I believe it was—you said, ''If you live long enough you'll make mistakes. But if you learn from those, you'll be a better person. It's how you handle adversity, not how it affects you. The main thing is never quit, never quit, never quit.'' Do you remember saying that? (Applause.)

We will not quit. We will not quit in our search for a balanced, fair and just settlement on this island, and between this island and its neighbors to which all can give equal allegiance.

I'd like to propose a toast—to the President and the people of the United States of America. The President and the people of the United States.

(A toast is offered.) (Applause.)

THE PRESIDENT. To the Taoiseach and Mrs. Bruton, and to all of our hosts. Hillary and I are honored to be here tonight with all of you, and to be here in the company of some of America's greatest Irish Americans, including Senator George Mitchell, who has taken on such a great and difficult task; a bipartisan congressional delegation headed by Congressman Walsh; many members of the Ambassador's family, including Kathleen Kennedy Townsend, Lt. Governor of Maryland; the Mayors of Chicago and Los Angeles; Secretary Riley, the Secretary of Education; Mark Gearan, Director of the Peace Corps. And as I said, we have the Secretary of Commerce, Ron Brown, tonight, who wishes, more than ever before in his life, that he were Irish. (Laughter.) I think he is down deep inside. (Laughter.)

I thank you also for—I see the Mayor of Pittsburgh here—I know I've left out some others—my wonderful step-father, Dick Kelley, who thought it was all right when I got elected President. But when I brought him home to Ireland he knew I had finally arrived. (Laughter and applause.)

You know, the Taoiseach has been not only a good friend to me in our work for peace, but a good friend to the United States. Indeed, he and Finola actually came to Washington, D.C. to celebrate their honeymoon. I think it's fair to say that his honeymoon there lasted longer than mine did. (Laughter and applause.)

I managed to get even with at least one member of Congress—or former member of Congress—when I convinced Senator Mitchell to give into the entreaties of the Taoiseach and the Prime Minister to head this arms decommissioning group. Now, there's any easy job for you. (Laughter.) You know, in Ireland I understand there's a—our American country music is very popular—Garth Brooks said the other day he sold more records in Ireland than any other place in the world outside America. So I told Senator Mitchell today that—he was telling me what a wonderful day we had yesterday in Derry and Belfast, and what a wonderful day we had today in Dublin, and I said, ''Yes, now you get to go to work.'' I said, this reminds me of that great country song, ''I Got the Gold Mine and You Got the Shaft.'' (Laughter and applause.) But if anybody can bring out more gold, George Mitchell can. (Laughter.)

I want to thank the Taoiseach for the courage he showed in working with the Prime Minister of Great Britain, from the day he took office, taking up from his predecessor, Albert Reynolds, right through this remarkable breakthrough that he and Prime Minister Major made on the twin tracks that he helped to forge just two days ago. This is an astonishing development really because it is the first formulation anyone has come up with that permits all views to be heard, all voices to speak, all issues to be dealt with, without requiring people to give up the positions they have taken at the moment. We are very much in your debt.

This has been an experience like none I have ever had before. Yesterday, John Hume, who's joined us, took me home to Derry with him. And I thought to myself—all my life ''Danny Boy'' has been my favorite song—I never thought I'd get to go there to hear it. But thanks to John, I did.

And then we were before in Belfast. And all of you, I'm sure, were so moved by those two children who introduced me, reading excerpts from the letters. You know, I've got thousands and thousands of letters from Irish children telling me what peace means to them. One thing I am convinced of as I leave here —that there is a global hunger among young people for their parents to put down the madness of war in favor of their childhood. (Applause.)

I received this letter from a teenager right here in Dublin. I thought I would read it to you, to make the point better than I could. This is just an excerpt: ''With your help, the chances given to reason and to reasonable people, so that the peace in my country becomes reality. What is lost is impossible to bring back. Children who were killed are gone forever. No one can bring them back. But for all those who survive these sufferings, there is future.''

The young person from Dublin who wrote me that was Zlata Filipovic, the young teenager from Bosnia who is now living here, who wrote her wonderful diary that captured the imagination of people all over the world.

I am honored that at this moment in the history of the world the United States has had the great good fortune to stand for the future of children in Ireland, in Bosnia, in the Middle East, in Haiti and on the toughest streets of our own land. And I thank you here in Ireland for taking your stand for those children's future, as well.

Let me say in closing that in this 150th anniversary of the Great Famine, I would like everyone in the world to pay tribute to Ireland for coming out of the famine with perhaps a greater sense of compassion for the fate of people the world over than any other nation. I said today in my speech to the Parliament that there had not been a single, solitary day—not one day—since 1958, when someone representing the government of Ireland was not somewhere in the world trying to aid the cause of peace. I think there is no other nation on Earth that can make that claim.

And as I leave I feel so full of hope for the situation here in Ireland and so much gratitude for you, for what you have given to us. And I leave you with these words, which I found as I was walking out the door from the Ambassador's Residence. The Ambassador made it possible for Hillary and me to spend a few moments this evening with Seamus Heaney and his wife, since I have been running around the country quoting him for two days. (Laughter.) I might say, without his permission. (Laughter.) And he gave Hillary an inscribed copy of his book ''The Cure At Troy.'' And as I skimmed through it, I found these words, with which I leave you:

''Now it's high water mark, and flood tide in the heart and time to go. What's left to say? Suspect too much sweet talk, but never close your mind. It was a fortunate wind that blew me here. I leave half ready to believe that a cripple's trust might walk and the half-true rhyme is love.''

Thank you and God bless you. (Applause.)

I thought I had done something for a moment to offend the Taoiseach—he was forcing me on water instead of wine. (Laughter.)

Let me now, on behalf of every American here present, bathed in the generosity and the hospitality of Ireland, offer this toast to the Taoiseach and Mrs. Bruton and to the wonderful people of this great Republic.

(A toast is offered.) (Applause.)

THE TELECOMMUNICATIONS BILL CONFERENCE

Mr. LEAHY. Mr. President, the action of the House Members on the telecommunications bill conference this morning should send tremors through the Internet community and defenders of the first amendment. They agreed to a provision that would effectively ban constitutionally protected speech on the Internet.

If this amendment becomes law, no longer will Internet users be able to engage in freewheeling discussions in news groups and other areas on the Internet accessible to minors. They will have to limit all language used and topics discussed to that appropriate for kindergarteners, just in case a minor clicks onto the discussion. No literary quotes from racy parts of ''Catcher in the Rye'' or ''Ulysses'' will be allowed. Certainly, online discussions of safe sex practices, of birth control methods, and of AIDS prevention methods will be suspect. Any user who crosses the vague and undefined line of ''indecency'' will be subject to 2 years in jail and fines.

We have already seen the chilling effect that even the prospect of this legislation has had on online service providers. Last week, American On Line deleted the profile of a Vermonter who communicated with fellow breast cancer survivors online. Why? Because, according to AOL, she used the vulgar word ''breast''. AOL later apologized and indicated it would permit the use of that word where appropriate.

This is a serious misstep by the House Members of the telecommunications bill conference. I urge the full conference to consider the threat this amendment poses to the future growth of the Internet, and reject it.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that November evening in 1972 when I was first elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the Federal debt which is slightly in excess of $11 billion shy of $5 trillion—which will be exceeded later this year. Of course, Congress is responsible for creating this monstrosity for which the coming generations will have to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I wanted to make a matter of daily record the precise size of the Federal debt which, at the close of business yesterday, Tuesday, December 5, stood at $4,988,766,009,862.29 or $18,937.44 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal debt as of close of business on Monday, December 4, 1995—shows an increase of $125,665,418.83. That increase, I'm told, is equivalent to the amount of money needed by 215,311 students to pay their college tuitions for 4 years.

REPORT ON ADMINISTRATION OF EXPORT CONTROLS—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In order to take additional steps with respect to the national emergency described and declared in Executive Order No. 12924 of August 19, 1994, and continued on August 15, 1995, necessitated by the expiration of the Export

Administration Act on August 20, 1994, I hereby report to the Congress that pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (''the Act''), I have today exercised the authority granted by the Act to issue an Executive order (a copy of which is attached) to revise the existing procedures for processing export license applications submitted to the Department of Commerce.

The Executive order establishes two basic principles for processing export license applications submitted to the Department of Commerce under the Act and the Regulations, or under any renewal of, or successor to, the Export Administration Act and the Regulations. First, all such license applications must be resolved or referred to me for resolution no later than 90 calendar days after they are submitted to the Department of Commerce. Second, the Departments of State, Defense, and Energy, and the Arms Control and Disarmament Agency will have the authority to review any such license application. In addition, the Executive order sets forth specific procedures including intermediate time frames, for review and resolution of such license applications.

The Executive order is designed to make the licensing process more efficient and transparent for exporters while ensuring that our national security, foreign policy, and nonproliferation interests remain fully protected.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 5, 1995.*

MESSAGES FROM THE HOUSE

At 12 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 255. An act to designate the Federal Justice Building in Miami, Florida, as the ''James Lawrence King Federal Justice Building.''

H.R. 308. An act to provide for the conveyance of certain lands and improvements in Hopewell Township, Pennsylvania, to a nonprofit organization known as the ''Beaver County Corporation for Economic Development'' to provide a site for economic development.

H.R. 395. An act to designate the United States courthouse and Federal building to be constructed at the south-eastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the ''Bruce R. Thompson United States Courthouse and Federal Building.''

H.R. 653. An act to designate the United States courthouse under construction in White Plains, New York, as the Thurgood Marshall United States Courthouse.''

H.R. 826. An act to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes.

H.R. 840. An act to designate the Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, as the ''Walter B. Jones Building and United States Courthouse.''

H.R. 869. An act to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the ''Thomas D. Lambros Federal Building and United States Courthouse.''

H.R. 965. An act to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the ''Romano L. Mazzoli Federal Building.''

H.R. 1804. An act to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the ''Judge Isaac C. Parker Federal Building.''

H.R. 2336. An act to amend the Doug Barnard, Jr.—1996 Atlantic Centennial Olympic Games Commemorative Coin Act, and for other purposes.

H.R. 2614. An act to reform the commemorative coin programs of the United States Mint in order to protect the integrity of such programs and prevent losses of Government funds, to authorize the United States Mint to mint and issue platinum and gold bullion coins, and for other purposes.

H.R. 2684. An act to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 255. An act to designate the Federal Justice Building in Miami, Florida, as the ''James Lawrence King Federal Justice Building''; to the Committee on the Environment and Public Works.

H.R. 308. An act to provide for the conveyance of certain lands and improvements in Hopewell Township, Pennsylvania, to a nonprofit organization known as the ''Beaver County Corporation for Economic Development'' to provide a site for economic development; to the Committee on Governmental Affairs.

H.R. 653. An act to designate the United States courthouse under construction in White Plains, New York, as the ''Thurgood Marshall United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 826. An act to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 840. An act to designate the Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, as the ''Walter B. Jones Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 869. An act to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the ''Thomas D. Lambros Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 965. An act to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the ''Romano L. Mazzoli Federal Building''; to the Committee on Environment and Public Works.

H.R. 1804. An act to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the ''Judge Isaac C. Parker Federal Building''; to the Committee on Environment and Public Works.

H.R. 2336. An act to amend the Doug Barnard, Jr.—1996 Atlantic Centennial Olympic Games Commemorative Coin Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2614. An act to reform the commemorative coin programs of the United States Mint in order to protect the integrity of such programs and prevent losses of Government funds, to authorize the United States Mint to mint and issue platinum and gold bullion coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2684. An act to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 395. An act to designate the United States courthouse and Federal building to be constructed at the south-eastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the ''Bruce R. Thompson United States Courthouse and Federal Building.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 665. A bill to control crime by mandatory victim restitution (Rept. No. 104–179).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1450. A bill to provide that certain gaming contracts shall remain in effect, notwithstanding filing for bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1451. A bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS (for himself, Mr. MCCAIN, and Mr. COATS):

S. 1452. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Con. Res. 34. A concurrent resolution to authorize the printing of ''Vice Presidents of the United States, 1789–1993''; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1450. A bill to provide that certain gaming contracts shall remain in effect, notwithstanding filing for bankruptcy, and for other purposes; to the Committee on the Judiciary.

THE GAMING CONTRACTS COMPLIANCE ACT

● Mr. BREAUX. Mr. President, today I am introducing legislation that is intended to protect State and local governments from the financial crises caused when a casino declares bankruptcy and shuts down. I believe that gaming corporations should not be allowed to use Federal bankruptcy laws as leverage to gain more concessions from the city and State in which they are operating.

On November 22, 1995, Harrah's casino in New Orleans declared bankruptcy and shut its doors—laying off 2,500 workers and leaving city and State officials facing multimillion-dollar budget shortfalls. As a result, the city may have to lay off as many as 1,000 city workers and substantially curtail city services. It is also estimated that the Louisiana Legislature faces a deficit of between $88.5 and $97.5 million this fiscal year if Harrah's remains closed.

The Gaming Contracts Compliance Act would protect the city of New Orleans and the State of Louisiana, and other cities and State governments in the future, by prohibiting gambling establishments from getting out of their original contracts with city, county (parish), and State governments by declaring bankruptcy. These corporations would be obligated to fulfill the original contracts even as they undergo the reorganization afforded them by bankruptcy protection. Casinos in bankruptcy would be allowed to renegotiate their contracts only if government officials agree.

This legislation would prevent casinos like Harrah's from closing down to force a better deal from State and local governments—all at the expense of local taxpayers and casino workers. State and local officials cannot be left holding an open bag of broken promises given by international gaming operations simply because gambling revenue estimates are off the mark. The welfare of our cities and its citizens must come first.●

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1451. A bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARKS LEGISLATION

Mr. MCCAIN. Mr. President, today, I am pleased to join Senator KYL in introducing legislation to ensure that Grand Canyon National Park and other national park units remain open during Federal budget impasses which result in Government closures.

The bill would authorize the Secretary of the Interior to enter into agreements allowing State and local governments to operate essential park facilities when Federal personnel are furloughed.

As my colleagues are aware, during the recent budget crisis, the Clinton administration decided to shut visitors out of the Grand Canyon and other national parks. This decision hurt countless tourists, many of whom traveled great distances at enormous expense to experience the canyon. And it harmed local businesses that depend upon tourism.

I continue to believe that the decision to close the Grand Canyon was unnecessary. I was interested to note that the administration did not restrict visitation to national forests or BLM lands, nor to the Mall in Washington—an area administered by the Park Service. Such restrictions, of course, would have been unnecessary, just as shutting visitors out of the Grand Canyon, while politically expedient, was unnecessary.

Nevertheless, I appreciate the willingness of the administration to examine methods of ensuring that such park closure need not occur in the future. Enacting legislation empowering States to operate park units during temporary Federal furloughs, would help us to achieve that end.

Mr. President, my fervent hope is that in the future we can avoid Government shutdowns which penalize not only national park visitors but many others seeking Government services.

However, I trust that my colleagues and the administration will agree, we have an obligation to mitigate the impact on innocent people if and when such crises do occur. In the case of national parks, the State of Arizona and other States as well, are willing to offer their manpower and expertise to avoid the closure of these areas which are so essential to State and local economies. There is no reason the Federal Government should not take them up on that offer, even as we work to make sure that no vital Federal operation is cut off because of the failings of politicians in Washington, DC.

Mr. President, often, our constituents are far better than we at expressing the real-life impact of Government decisions. During the park shutdown I received an open letter from Susan Morely, a constituent of mine from Flagstaff, AZ who relayed a very sad and distressing story about the impact of the closure on her family. She makes the case in favor of this legislation better than anyone else.

I ask unanimous consent that a copy of Susan Morley's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

To: President Clinton, Members of Congress, Governor Symington, House Speaker Mark Killian, The Media

In 1992, my husband died of cancer at age 41, his dying request was for his ashes to be distributed at Ribbon Falls in the Grand Canyon. This was done shortly after his death.

For the past three years, his brothers and sisters and I and my children have planned a memorial hike so that we could all visit this special site. Family members from Connecticut, New Jersey and California and friends from Washington, D.C. and Arizona came to join us in what was to be an important part of our emotional healing.

Instead, Congress and the President have turned this into an emotional nightmare.

My 13 year old has been crying because she was looking forward to visiting Ribbon Falls with family and friends. How do I explain to her what is happening in Washington?

Family members paid hundreds of dollars for plane tickets, car rentals and hiking gear. People have arranged time off from work. For some, this is their only vacation this year. One teacher had to get special permission from the school superintendent to be here.

We have looked forward to being together as family and friends to celebrate Michael's life in a place he loved, at the bottom of the Grand Canyon.

Instead, we are stranded at the top because the President and our elected representatives in Congress didn't do their jobs.

The Grand Canyon didn't have to close.

American workers didn't have to be furloughed.

Political agendas have brought us to this.

It's time to stop ''playing politics'' and start running the country.

SUSAN MORLEY,
Flagstaff, Arizona.

Mr. KYL. Mr. President, I rise today to talk about a piece of legislation introduced by Senator MCCAIN and myself. This bill is significant, not only for Arizona, but for every State. It would authorize a cooperative arrangement between the Secretary of the Interior and a State under which State employees would be able to maintain continued operation of national parks in the State during any period in which the National Park Service is unable to. The bill is intended to mitigate the effects of a Government shutdown, or any other situation which could prevent the national parks from continuing normal operations.

The recent Government shutdown affected all of us in various ways. As many of you may have heard on CNN, the administration chose to close the Grand Canyon National Park in Arizona. This was the first time this has happened since the park opened 76 years ago. The closure had very significant and widespread effects, not just for Arizona businesses but for visitors who had come a great distance—some as far as New Zealand—to see this crown jewel of our National Park System.

Governor Symington of Arizona made an offer to assist the National

Park Service in keeping the park open. On behalf of the State, he offered to supply the temporary funds and make State personnel available to keep the park functioning and open to visitors. The Department of the Interior refused his offer, citing a number of legal impediments to the State's plan. The purpose of the legislation that Senator MCCAIN and I are introducing today is to overcome these impediments and provide for the legal authorization for the Department and an interested State to enter into an intergovernmental agreement that would allow a State to temporarily assume operations of a national park.

I hope that others will join Senator MCCAIN and myself in sponsoring this legislation.

By Mr. GRAMS (for himself, Mr. MCCAIN, and Mr. COATS):

S. 1452. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions; read the first time.

THE TAXPAYER PROTECTION LOCKBOX ACT

Mr. GRAMS. Mr. President, I rise today to introduce the Taxpayer Protection Lockbox Act. I am pleased to be joined by my good friend and colleague from Arizona, Senator MCCAIN.

Mr. President, in light of what is happening today at the White House—with President Clinton carrying out his threat to veto our plan to balance the Federal budget—this legislation could not be introduced at a more appropriate time.

The American people ought to be disgusted that the President would turn his back on their wishes and veto the Balanced Budget Act of 1995.

After all, the people have called repeatedly on the Federal Government to get its spending under control. The President says he wants to eliminate the wasteful spending, too. Our plan delivers, and yet, our bill is being vetoed.

The people want relief from a Federal tax burden that's consuming 26 percent of their family's monthly income. The President says he wants to provide tax relief too, and even says he supports the child tax credit. Our plan delivers, and yet, our bill is being vetoed.

The people have asked us to reform a welfare system that sucks up tax dollars yet offers few incentives for welfare recipients to move from dependency to independence. The President says he wants welfare reform, too, in fact, he made it a major part of his Presidential campaign. Our plan delivers, and yet, our bill is being vetoed.

Most important, the people are calling on us to balance the Federal budget by the year 2002. The President says he wants a balanced budget, too, and agrees that we can get there in 7 years. Our plan delivers, and yet again, the President is stopping it in its tracks with today's veto.

''I want a budget that includes all of that,'' says the President—''the spending cuts, tax relief, welfare reform, while it balances in 7 years using honest numbers. I just do not want your budget.''

And somehow the President manages to say it with a straight face, even though he has bogged down the budget negotiations by refusing to offer a comprehensive, 7-year plan of his own.

Mr. President, despite all the rhetoric and all the campaign promises, this administration has no real interest in eliminating the Federal deficit and changing the status quo in Washington—they would have to curtail their spending to do it. Today's veto clearly demonstrates the President is not ready to cut spending. And that has been the pattern in Washington for a very long time—once the Government has gotten its hands on the taxpayers' dollars and squirreled them away into the Federal Treasury, Congress, and the President will spend them.

My legislation, the Taxpayer Protection Lockbox Act, will help ensure that when pork-barrel spending is trimmed from the budget, it is the taxpayers—not the big spenders on Capitol Hill—who will benefit.

For years, Members of Congress have bragged to their constituents about trying to cut the fat out of the Federal budget. Yet as time has passed, Federal spending has gone up, our annual budget deficits have gone up, and the debt we're leaving our children and grandchildren has gone all the way up to $5 trillion.

How can this be? If all of these claims of cutting the budget are right, should spending not go down, not up?

Well, if you are speaking in plain English, it should—a cut means you spend less money this year than you did last year. But in the language of Congress—''Hill-Speak'' as some call it—a cut is not necessarily a cut.

For example, under our plan to balance the budget, Medicare spending will grow from $181 billion this year to $277 billion in the year 2002—a 53-percent increase over the next 7 years. But because Medicare will not grow at the uncontrolled rates of the past, those who use Hill-Speak call this increase a ''cut.''

It does not make much sense, does it? And yet there is more.

Every year, Congress is required to pass the 13 appropriations bills which fund the Federal Government—everything from the National Highway System and NASA to foreign aid and the Postal Service. While many of these programs are important and worthwhile, too many tax dollars are still being used for wasteful pork-barrel projects, which either benefit certain regions of the country at the expense of others, have not been previously authorized by law, or are simply not worth the tax dollars spent on them.

As a member of the Senate pork busters coalition, I have worked to eliminate this wasteful abuse of the taxpayers' hard-earned dollars. For example, during debate on the energy and water appropriations bill, I offered an amendment that would have eliminated $40 million from the Appalachian Regional Commission. I did not believe Minnesota taxpayers should be subsidizing so-called economic assistance to the 13 States, located mostly in the Southeast, which make up the ARC. But due to the program's strong support by Senators whose States benefit from ARC, this amendment was rejected by the Senate.

What is worse about our appropriations system is that even if amendments like mine had passed, these funds are not returned to the Treasury or the taxpayers. Instead, they are placed into a slush fund which can be spent on other programs.

In other words, even when we are successful in passing amendments to cut appropriations spending in these areas, these funds are not used for deficit reduction; they are used for additional spending in other areas. As I said before, only in a place like Washington dominated by Hill-Speak is a cut not necessarily a cut—and the result is a $5 trillion debt for our children and grandchildren.

In an effort to end this abuse of taxpayer dollars and to return honesty to the budget process, the Taxpayer Protection Lockbox Act changes the rules of the budget process to ensure that any funds cut in appropriations bills be dedicated back to the Treasury for the purposes of deficit reduction. By replacing the current Congressional slush fund with a taxpayers' lockbox, my legislation guarantees that when Congress cuts funding for wasteful programs, those dollars are returned to their rightful owners—the taxpayers.

In addition, my legislation creates a new revenue lockbox, which is geared toward our 7-year balanced budget plan.

As we all know, when Congress considers a long-term budget, we take into account economic projections which estimate the amount of tax revenue that will come into the Treasury over the next 7 years. We then use these revenue estimates to determine the extent to which Federal spending can grow without resulting in a budget deficit in the year 2002.

While these estimates by the Congressional Budget Office are generally on the mark, they are, of course, simply estimates. It is likely that even more dollars will come into the Treasury as a result of our balanced budget plan, given the fact that we include tax relief designed to stimulate economic growth, create new jobs and turn tax users into productive taxpayers.

These additional dollars, however, should not be used to feed Congress' appetite for spending; instead, any additional revenue that results from our growth plan should be returned to the

taxpayers in the form of additional tax relief. After all, these funds were made available because of the hard work and productivity of the American people; it makes sense to give those dollars back to the taxpayers and encourage even greater productivity, rather than handing them to Washington for more pork-barrel spending.

Even now, we can see the very problem my legislation is designed to address. As part of the budget negotiations, President Clinton has already tried to seize more of the dollars we are returning to the taxpayers in the form of tax cuts, to use them for—you guessed it—more spending.

The bottom line estimates are, the President wants to spend $400 billion more than our Budget Act of 1995 called for—$400 billion more of your money.

Well, the taxpayers cannot afford for us to let him do that today, nor can they afford it in the future. We must ensure that tax dollars are returned to their rightful owners: the taxpayers, not the Government.

And that is just what my revenue lockbox does—it requires that any revenues above and beyond current estimates be used for tax cuts and/or additional deficit reduction. It ensures taxpayers that their hard-earned dollars will no longer be automatically spent by the Government. It ends the misperception that tax dollars belong to the Government, rather than the taxpayers.

Most importantly, it restores honesty to the budget process and ensures that a spending cut is truly a spending cut, even in Washington.

Mr. President, the Taxpayer Protection Lockbox Act earns its name by locking in real deficit reduction, while protecting the American taxpayers when Congress just cannot seem to say ''no'' on its own. I urge my colleagues to join me in standing up for the taxpayers by supporting this timely legislation.

ADDITIONAL COSPONSORS

S. 413

At the request of Mr. DASCHLE, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes.

S. 490

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 490, a bill to amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 953

At the request of Mr. CHAFEE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1043

At the request of Mr. STEVENS, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1043, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1146

At the request of Mr. LEAHY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1146, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider.

S. 1198

At the request of Mr. COATS, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1198, a bill to amend the Federal Credit Reform Act to improve the budget accuracy of accounting for Federal costs associated with student loans, to phase out the Federal Direct Student Loan Program, to make improvements in the Federal Family Education Loan Program, and for other purposes.

S. 1219

At the request of Mr. MCCAIN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1360

At the request of Mr. BENNETT, the names of the Senator from Florida [Mr. MACK] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1360, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1364

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1364, a bill to reauthorize and amend the Endangered Species Act of 1973, and for other purposes.

S. 1365

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1365, a bill to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of endangered species habitat, and for other purposes.

S. 1366

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement.

AMENDMENT NO. 3083

At the request of Ms. MOSELEY-BRAUN her name was added as a cosponsor of amendment No. 3083 proposed to H.R. 1833, a bill to amend title 18, United States Code, to ban partial-birth abortions.

At the request of Mrs. BOXER the names of the Senator from Colorado [Mr. BROWN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Washington [Mrs. MURRAY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of amendment No. 3083 proposed to H.R. 1833, supra.

SENATE CONCURRENT RESOLUTION 34—TO AUTHORIZE THE PRINTING OF ''VICE PRESIDENTS OF THE UNITED STATES, 1789–1993''

Mr. BYRD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 34

Whereas the United States Constitution provides that the Vice President of the United States shall serve as President of the Senate; and

Whereas the careers of the 44 Americans who held that post during the years 1789 through 1993 richly illustrate the development of the nation and its government; and

Whereas the vice presidency, traditionally the least understood and most often ignored constitutional office in the Federal Government, deserves wider attention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PRINTING OF THE "VICE PRESIDENTS OF THE UNITED STATES, 1789–1993".

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled ''Vice Presidents of the United States, 1789–1993'', prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies (750 paper bound and 250 case bound) for the use of the Senate, to be allocated as determined by the Secretary of the Senate; and

(2) a number of copies that does not have a total production and printing cost of more than $11,000.

AMENDMENTS SUBMITTED

THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

BROWN AMENDMENT NO. 3084

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions:

On page 2, strike lines 6 through 9, and insert the following:

''(a) Any attending physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

On page 2, line 10 strike ''As'' and insert ''(1) As''.

On page 2, between lines 13 and 14, insert the following:

''(2) As used in this section, the term 'attending physician' means, with respect to an individual, the physician whom the individual identifies as having the most significant role in the performance of a partial birth abortion on the individual.

''(3) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity.''.

BROWN AMENDMENT NO. 3085

Mr. BROWN proposed an amendment to the bill, H.R. 1833, supra; as follows:

On page 2, line 14, strike ''(c)(1) The father,'' and insert the following: ''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure,''.

THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995

McCAIN (AND LEVIN) AMENDMENT NO. 3086

Mr. DOLE (for Mr. MCCAIN, for himself and Mr. LEVIN) proposed an amendment to the bill (S. 790) to provide for the modification or elimination of Federal reporting requirements; as follows:

Section 1041(b) of the House amendment is amended by (1) striking paragraph (1), and (2) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

Section 1102(b)(1)(B) of the House amendment is amended in the quoted matter by (1) striking ''reports'' and inserting ''report'', and (2) striking ''and section 8152 of title 5, United States Code,''.

Section 1121 of the House amendment is amended by striking the matter after subsection (k) and before subsection (l).

Section 2021 of the House amendment is amended in the heading for the section by striking ''**ELIMINATED**'' and inserting ''**MODIFIED**''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10:15 a.m. on Wednesday, December 6, 1995, in open session, to receive testimony on the Bosnian peace agreement, the North Atlantic Council military plan, and the proposed mission for United States military forces deployed with the implementation force [IFOR].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, December 6, 1995, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business, see attached list.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, December 6, at 9:30 a.m. for a hearing on S. 356, the Language of Government Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, December 6, 1995, to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act, P.L. 101–601. The hearing will take place at 9:30 a.m. in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a joint hearing with the Committee on Small Business on Small Business and OSHA Reform (S. 1423), during the session of the Senate on Wednesday, December 6, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for joint hearing with the Committee on Labor and Human Resources on Wednesday, December 6, 1995, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building, to conduct a hearing focusing on OSHA Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, December 6, 1995 at 2 p.m. to hold a closed hearing regarding intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE GROWING STRENGTH OF DEMOCRACY IN TAIWAN

● Mr. MURKOWSKI. Mr. President, last Saturday we saw once again proof that democracy is alive and well in Taiwan. In free and fair parliamentary elections contested by three leading parties, and with several independent candidates, with some 67 percent participation, and with no unrest or contesting of the results, the people of Taiwan chose their own legislative representatives. By that act, those people once again proved that Taiwan is becoming a mature, democratic state worthy of our admiration.

Let me review here the results of the election. The Kuominatang [KMT] or National Party, which has been ruling Taiwan for many years, won a narrow majority of seats, 85 out of a total of 164, and saw their numbers reduced from 90. The Democratic Progressive Party [DPP], which has been the major opposition group for several years, and which advocates moving toward independence, increased its seats from 50 to 54 seats. The New Party [NP], which advocates a policy of reunification with China, was probably the biggest winner in the polls, increasing its seats

from 7 to 21. Finally, a total of four independents won seats in the new legislature.

As is usual following any election, the media pundits are busy analyzing the results and the trends they may or may not indicate. Some papers are saying that the reduction in the KMT's seats and the increase by the NP were the result, in part, of China's attempts to intimidate the Taiwanese over the last few months by testing missiles near Taiwan's shores and making bellicose threats against any attempt to move toward independence. Given what I know about the Taiwanese people, who can be very defiant when challenged, I wonder if this is an accurate analysis. And I certainly hope that the Chinese Government doesn't believe that its tactics of intimidation are going to work.

But no matter what the reason for the result, I think the important point that should be emphasized, as Keith Richburg did in the Washington Post, is that, ''Perhaps most remarkable about the elections was that they took place at all. Just 8 years ago, Taiwan was still under martial law. But in 1988 President Lee Teng-Hui launched his quiet revolution to shift Taiwan toward multiparty democracy. Taiwan has emerged as one of Asia's liveliest democracies and the world's freest and most democratic Chinese society.''

I'm sure that every analyst will agree with that statement.

So where are we now, Mr. President? In my view, as a result of the election, the KMT will have to take the steps that any Democratic Party would have to take to ensure passage of its program. There will likely be increased maneuvering on votes among the parties as alliances are formed, issue-by-issue, among the three parties. In short, the legislature will have to take into account the will of the people and their elected representatives—a situation which may cause some inefficiencies in the short term, but which will only strengthen Taiwan in the long term as democracy takes firmer hold in that society.

Mr. President, as you know, the next and equally important step in making Taiwan a fully democratized state is a free and fair, multicandidate presidential election. That will take place next march, and it, like the legislative campaign, promises to be very lively.

While President Lee Teng-Hui of the KMT party is favored to win the election at the moment, I'm sure that he and the other candidates will be campaigning very hard over the next month to seek the people's mandate. And that too is a very important matter to keep in mind.

No matter who wins the presidential election, the Taiwanese people will be able to say, next March, that their freely elected President and their freely elected legislature will, for the very first time, have a full and complete mandate.

That in turn will allow the elected leaders to feel confident that the people are behind them as they deal with Taiwan's future and, most important, as they determine their relationship with the People's Republic of China.

Then, and presuming that soon the power struggle in the PRC will be over, it is my hope that both sides will return to a period of reduced tensions and renewed contacts, both economic and political.

In the meantime, it is important for us to take note of positive steps like the Taiwan parliamentary elections which advance the democratization of the world. The people of Taiwan deserve not only our congratulations but also our support as they and their representatives map out their destiny in what we hope will be, in the future, a less volatile and a more peaceful region.●

THE BUDGET AND PUERTO RICO'S NEEDS

● Mr. BREAUX. Mr. President, as the President constructs a 7-year balanced budget plan to present to the Congress, I would like to reiterate my view that Puerto Rico's needs should not be ignored. The program developed by Governor Rosello to apply wage credit incentives to economically developed areas should be considered by the President as he fashions his plan. This would provide an excellent replacement to the termination of section 936.

If no new economic development incentive can be agreed upon this year, Congress can still communicate its intentions to the people of Puerto Rico by pledging to consider a new job creation program at the earliest possible time. As a step toward this commitment, Congress should establish a new section of the code for economic development, and include as an interim measure the 10-year wage credit phaseout passed by the Congress. This technical change, which costs the Federal Treasury nothing, would demonstrate to the American citizens of Puerto Rico that Congress remains committed to its economic development and job creation.●

PATENT PROTECTION UNDER THE GATT

● Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a letter from former Surgeon General Dr. C. Everett Koop.

The letter follows:

NOVEMBER 30, 1995.

Mr. MORTON KONDRACKE,
Executive Editor, Roll Call, Washington, DC.

In your special supplement on the FDA (October 9, 1995), an article appeared concerning patent protection under the General Agreement on Tariffs and Trade (GATT). I am of the firm belief that any action on the part of the U.S. Senate to weaken the hard-fought patent protections of the GATT would imperil the future of intellectual property rights and undermine the research activities of pioneering pharmaceutical companies.

A little-known revolution has taken place in my lifetime. When I started practicing medicine, only a fraction of the drugs that we now take for granted existed. Over the years, I have witnessed great suffering endured by patients and their families that, just a few years later, could have been eased because of the advent of the latest ''miracle drug.'' These breakthrough treatments have brought hope and, in many cases, renewed health to thousands of patients. They are the product of an increasingly important concept: the sanctity of intellectual property.

The right to claim ideas as property allows innovators to invest their time and money bringing those ideas to fruition. It is the basis if our patent system that allowed American ingenuity to prosper throughout the Industrial Age. Today, we are at the dawn of an Information Age and now, more than ever, the rights of intellectual property holders must be protected.

Consider the enormous investment in time, money, and brain power required to bring a single new medicine to patients: 12 years and more than $350 million is the average investment. Only 20% of new compounds tested in a laboratory ever find their way onto pharmacy shelves. Only a third of those ever earns a return on the colossal investment made to discover it.

Though risky and expensive, this process works. The U.S. is the world leader in the development of innovative new medicines. Proceeds from the sales of these medicines support the work and research invested in new successful drugs, as well as the thousands of drugs that never make it out of the lab.

Patent protection makes that investment in research worthwhile—and possible. Recently, patent protection around the world was strengthened and harmonized by the GATT, which required changes that equalized intellectual property protection in all participating countries. These changes are important to encourage the risky, expensive research necessary to provide new medicines to fulfill unmet medical needs.

Now, some generic drug companies are challenging the GATT's advance in intellectual property protection. They are urging Congress to amend the 1948 Hatch-Waxman Act to give them an advantage under the GATT that no other industry enjoys.

A key provision of the Hatch-Waxman Act gives generic drug companies a jump start on marketing by allowing them to use a patented product for development and testing before the patent expires. This special exemption from patent law is not allowed for any other industry. For example, a television manufacturer who wants to market or use its own version of a patented component must wait until the patent expires; otherwise, it risks liability for patent infringement.

In return for these special benefits, the Hatch-Waxman Act requires generic drug companies to wait until the expiration of the research companies' patents before they can begin marketing their drugs. Now, the generic drug industry is asking Congress to give it a special exemption from that restriction as well.

In my opinion, that would be unwise. Treatment discovery has already slowed; we should reverse that process, not ensure it.

While the generic drug industry continues to prosper as a result of the benefits received in the 1984 Act, medical research has continued to become more complex, more costly, and more time consuming, further limiting the effective market life for patented products.

Generic drugs play an important role in helping lower the cost of medicines. But it is the pharmaceutical research industry that discovers and develops those medicines in

the first place, investing billions of dollars in research and development that can span decades without any guarantee of success—an investment made possible by our system of patent protection. Preserve protection and you preserve the opportunity for the discovery of future cures and treatments for disease. Undercut that protection, and you undercut America's hope for new and better answers to our health care needs.

Sincerely yours,

C. EVERETT KOOP, M.D.●

PRIVATE SECURITIES LITIGATION REFORM

● Mr. ROTH. Mr. President, complications in my schedule prevented me from casting a vote last night on the conference report to H.R. 1058, the Private Securities Litigation Reform Act of 1995. The report passed by a margin of 65 to 30.

I rise today to indicate my full support for the conference report. This is important legislation, because it provides much-needed reform to the current rules governing private securities litigation, which have led to far too many abusive and costly strike lawsuits. Those suits hurt businesses by hampering the formation of capital and by impairing the orderly working of America's capital markets. This, in turn, hurts all Americans because it places a dangerous drag on the ability of American businesses to create jobs and prosperity. Yet in its scope and effect, the report is appropriately tailored. It addresses the harms caused by frivolous litigation without compromising the ability of plaintiffs who have meritorious claims to be made whole. Moreover, it does not alter the enforcement prerogatives of the Securities and Exchange Commission.

Mr. President, I voted earlier this year in favor of S. 240, the quite similar securities reform bill that the Senate passed in June. Had my schedule permitted, I would have cast my vote last night in favor of the conference report on H.R. 1058. I would like to make it clear today that if President Clinton sees fit to veto the report—an ill-advised step I urge him not to take—I will wholeheartedly support this legislation again in order to override such a veto.●

CAMPAIGN FINANCE REFORM

● Mrs. KASSEBAUM. Mr. President, today I am cosponsoring legislation offered by Senators MCCAIN and FEINGOLD to reform our campaign finance laws. This legislation offers a sensible, bipartisan agreement on steps to change our campaign spending and fundraising laws in ways that I believe are long overdue.

I am aware that there are deep disagreements within the Senate on this issue, and I know there are legitimate concerns about spending limits. However, I have long believed that money should not be the driving force in congressional campaigns.

Mr. President, when I leave the Senate at the end of this term, Kansas will have an open Senate seat for the first time since 1978. Candidates considering this race already are being told that the campaign will cost $2 million or more. In comparison to other, larger States that may seem like a bargain, but the estimates alone impose a high price on our political process.

The simple reality is that many good potential candidates, regardless of party affiliation, take themselves out of the running rather than face the grueling task of raising such huge sums of money. In effect, money has become the first primary election.

Some may applaud that development as a way to screen out candidates who lack commitment or the ability to raise funds. I believe it too often merely screens out candidates who are unwilling to raise and spend large sums of money in order to be elected to public office. Money should not be an unwritten qualification for the Senate, but in fact it is an increasingly critical factor.

The legislation offered by Senator MCCAIN and Senator FEINGOLD does not cure this problem in a perfect and permanent way. The voluntary spending limits set in the bill are just that—voluntary—and can be ignored by candidates who want to spend freely. The incentives for voluntary compliance—free broadcast time, reduced broadcast rates, and reduced mail cost—may be viewed as insufficient and ineffective.

However, Mr. President, I believe this bill offers a workable and realistic framework for changes in the way we finance our campaigns. I know the primary sponsors are open to suggestions and ready to engage in good-faith talks on modifications or changes that might be necessary. However, they believe it is time to move forward with campaign finance reform. I agree with them, and I believe they have offered an excellent starting point for this effort. I applaud their work and ask that I be added as a cosponsor of S. 1219.●

THE BICENTENNIAL ANNIVERSARY OF MARYVILLE, TN

● Mr. FRIST. Mr. President, nestled in shadows of the Great Smoky Mountains, in a setting of unusual and almost idyllic beauty, lies the great city of Maryville, TN. There among grassy hills and rolling farmland, generations of Tennesseeans have lived and worked and raised their families.

It is a place, Mr. President, where family values, community pride, and that distinctive yet intangible quality known as the American spirit still exist, nourished by long tradition and carried on by the countless, quiet everyday heros of American life—neighbors who help neighbors, parents who sacrifice so their children will have a better future, church, and community volunteers who feed the homeless, care for the needy, and nurse the sick. It is a place, Mr. President, where people are proud of their past and optimistic about their future.

In many respects, Mr. President, the citizens of Maryville are not unlike the millions of other Americans who have made our Nation special—unsung heroes who may never realize their own dreams, but are content nevertheless to reinvest those dreams in their children.

This year, Mr. President, as the city of Maryville proudly celebrates its bicentennial year, I wish to pay tribute to those dreams and to that spirit, which not only characterize Maryville's past, but distinguish its citizens up to the present day.

Maryville's early settlers had courage and common sense. They met the crises of their times and lived to see a stronger, better, and more prosperous community. With the strength of heart and mind, they built railways and lumber mills, established churches and schools—always with an eye toward richer community and a better life.

Today, Maryville continues to grow and thrive with new residents and new industry. Its schools are among the best in the land, and in many areas of city government, it is on the cutting edge, developing, and implementing programs to provide its citizens with a safe, modern, and beautiful place to live and visit.

Bernard Baruch once said America has never forgotten the nobler things that brought her into being and that light her path. Those nobler things, Mr. President, live on and prosper in Maryville, TN. Our challenge in government, as Ronald Reagan once said, is to be worthy of them, and to ensure that government helps, not hinders, our way of life.

To all the citizens of Maryville, TN, my heartfelt congratulations and very best wishes for another century of success.●

ESTABLISHMENT OF A NATIONAL BIOETHICS ADVISORY COMMISSION

● Mr. HATFIELD. Mr. President, the President recently announced the creation of a National Bioethics Advisory Commission [NBAC]. Because Congress was in recess when this announcement was made, I would like to take this opportunity to share the good news with my colleagues and to reiterate the importance of this announcement.

There has long been a need for an independent forum for the discussion of bioethical policy issues. In fact, the catalyst for the President's announcement of the creation of the NBAC was the release of a report on human radiation experiments which took place during the cold war. These federally sponsored tests included releasing radioactive substances into the atmosphere near residential populations and injecting pregnant women with radioactive iron to determine its effect on the baby. In many cases, the tests were conducted without the knowledge of the participants. The NBAC will provide a forum for the reevaluation of Federal human research standards to ensure that this never happens again.

There is no question that any experiments conducted with human subjects must be done with full disclosure and a complete examination of the ethical questions involved. But today, research scientists are experimenting with life forms on a more subtle level where the guidelines may not be as patently clear. In their quest to understand the human body and to conquer disease and disability, scientists have turned to the study of the building blocks of living organisms through genetic research and biotechnology.

Genetic research has enormous potential implications for society. For here we are dealing with the very foundations of humanity and nature. Scientists are now able to identify and manipulate gene sequences, and have even begun to create genetically altered life forms. Over the past decade, it has become increasingly apparent that these dramatic advances in biotechnology have outdistanced the legal and ethical parameters that we have in place to deal with them.

Society may reap great benefits from these advances, and other discoveries yet to be made by modern science. But history has taught us that new technologies often bring with them costs as well as benefits. Until now, there has been no mechanism through which to examine the moral and ethical implications of this new technology or to weigh the potential costs to society.

The creation of a National Bioethics Advisory Board is the culmination of many years of efforts to establish such a mechanism. In the 103d Congress, I introduced S. 1042, legislation which would have established a national Biomedical Ethics Advisory Board located within the Department of Health and Human Services. This bill and the two hearings held on this subject last session served to stimulate public dialogue on the need for such a body and established a framework on which the newly created NBAC was based. The administration, especially Dr. Jack Gibbons, worked closely with me in developing their proposal.

The NBAC will be an independent body comprised of 15 members appointed by the President and are likely to be experts from the fields of philosophy, theology, social and behavioral science, law, medicine, and biological research. They will be charged with reviewing the ethical and moral issues that arise in biomedicine including research involving human subjects, and issues in the management and use of genetic information, including human gene patenting.

The addition of specific language establishing genetic information and gene patenting issues as a priority for the commission was particularly important to me, and one which I strongly encouraged the administration to make. Each year since 1987, I have introduced legislation providing for a moratorium on the patenting of living organisms. I have done so because I firmly believe that it is the responsibility of Congress to carefully consider the broad ramifications of the technologies it encourages through patenting. I believe that this newly created National Bioethics Advisory Commission will provide a suitable structure for evaluating the ethical, environmental, and economic considerations of such patents.

Let me emphasize that no one should construe my vigorous support of this commission as a desire to dampen the drive to discover treatments and cures. I am firmly committed to the advancement of scientific and medical research and have been one of the leading proponents of Federal biomedical research funding in Congress. My desire is simply to ensure that the difficult social and ethical issues surrounding this research are raised and taken into account as public officials struggle to establish appropriate policies and practices relating to biomedicine.

The President should be commended for responding to the critical report on human radiation testing by establishing the NBAC to ensure that the rights of human research subjects are examined and protected in the future. And, by including genetic research and patenting issues, he has ensured that Congress and the administration will be equipped to deal with the profound ethical questions relating to this rapidly advancing field as they arise.

I am proud to have been a part of the effort to make the NBAC a reality and look forward to it serving as a vital link between the scientific community, the Government, and society as we face the difficult ethical questions which accompany our drive to treat and cure disease and disability through biomedical research.●

SECURITIES LITIGATION REFORM ACT

● Mr. BINGAMAN. Mr. President, I was wondering if my friend and colleague from Connecticut, Senator DODD, would yield for a question?

Mr. DODD. I would be glad to respond to a question from the Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator from Connecticut and would ask him if it is his understanding that Section 101(3)(A) relating to sanctions for filing frivolous pleadings is intended to apply the most serious sanction of attorneys' fees and costs for the entire action only to a complaint that substantially violates Rule 11(b)?

Mr. DODD. The Senator from New Mexico is correct that the award of attorneys' fees for the entire action will only be imposed upon a finding that the complaint substantially violates Rule 11(b).

Mr. BINGAMAN. Is it therefore correct to say that for all other pleadings or motions, whether filed by the plaintiff or defendant, that violate Rule 11(b) the sanction would be an award of attorneys' fees for the costs associated with that particular pleading or motion only?

Mr. DODD. The Senator from New Mexico is correct. An award of attorneys' fees for all other pleadings or motions except for the complaint, whether filed by the plaintiff or defendant, would be only for the costs associated with that pleading or motion.

Mr. BINGAMAN. I thank the Senator from Connecticut and have just one more question. Is it the intent of H.R. 1058 that sanctions for the cost of the entire action would apply if the complaint substantially or seriously violates Rule 11(b)?

Mr. DODD. The Senator from New Mexico is correct.

Mr. BINGAMAN. I thank my friend and colleague from Connecticut.●

FEDERAL REPORTS ELIMINATION AND SUNSET ACT

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 790, a bill to provide for the modification or elimination of Federal reporting requirements.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 790) entitled ''An Act to provide for the modification or elimination of Federal reporting requirements'', do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Reports Elimination and Sunset Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) REPORT ON RETURN ON ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking ''(a) IMPROVING'' and all that follows through ''FORECASTS.—''; and

(2) by striking subsection (b).

(c) REPORT ON FARM VALUE OF AGRICULTURAL PRODUCTS.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) REPORT ON ORIGIN OF EXPORTS OF PEANUTS.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed and sections 1559 and 1560 of such Act are redesignated as sections 1558 and 1559, respectively.

(e) REPORT ON REPORTING OF IMPORTING FEES.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) REPORT ON AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking ''(a)''; and

(2) by striking subsection (b).

(g) REPORT ON POTATO INSPECTION.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) REPORT ON TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed and sections 2518 and 2519 of such Act are redesignated as sections 2517 and 2518, respectively.

(i) REPORT ON UNIFORM END-USE VALUE TESTS.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) REPORT ON PROJECT AREAS WITH HIGH FOOD STAMP PAYMENT ERROR RATES.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) REPORT ON EFFECT OF EFAP DISPLACEMENT ON COMMERCIAL SALES.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) REPORT ON WIC EXPENDITURES AND PARTICIPATION LEVELS.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

(m) REPORT ON DEMONSTRATIONS INVOLVING INNOVATIVE HOUSING UNITS.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(n) REPORT ON LAND EXCHANGES IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(o) REPORT ON INCOME AND EXPENDITURES OF CERTAIN LAND ACQUISITIONS.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(p) REPORT ON SPECIAL AREA DESIGNATIONS.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed and sections 1507, 1508, 1509, and 1511 of such Act are redesignated as sections 1506, 1507, 1508, and 1509, respectively.

(q) REPORT ON EVALUATION OF SPECIAL AREA DESIGNATIONS.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(r) REPORT ON AGRICULTURAL PRACTICES AND WATER RESOURCES DATABASE DEVELOPMENT.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking ''(a) REPOSITORY.—''; and

(2) by striking subsection (b).

(s) REPORT ON PLANT GENOME MAPPING.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(t) REPORT ON APPRAISAL OF PROPOSED BUDGET FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(u) REPORT ON ECONOMIC IMPACT OF ANIMAL DAMAGE ON AQUACULTURE INDUSTRY.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking ''(1)''; and

(2) by striking paragraph (2).

(v) REPORT ON AWARDS MADE BY THE NATIONAL RESEARCH INITIATIVE AND SPECIAL GRANTS.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(w) REPORT ON PAYMENTS MADE UNDER RESEARCH FACILITIES ACT.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(x) REPORT ON FINANCIAL AUDIT REVIEWS OF STATES WITH HIGH FOOD STAMP PARTICIPATION.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking '', and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days''.

(y) REPORT ON RURAL TELEPHONE BANK.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

(z) CONFORMING AMENDMENTS.—The table of contents appearing in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) by striking the items relating to sections 1558, 1559, and 1560 and inserting the following:

''Sec. 1558. Sense of Congress concerning rebalancing proposal of the European community.

''Sec. 1559. Sense of the Senate regarding multilateral trade negotations.'';

(2) by striking the item relating to section 2513; and

(C) by striking the items relating to sections 2517, 2518, and 2519 and inserting the following:

''Sec. 2517. Establishing quality as a goal for Commodity Credit Corporation programs.

''Sec. 2518. Severability.''.

SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCEMENT.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).''.

(b) REPORT ON HORSE PROTECTION ENFORCEMENT.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking ''On or before the expiration of thirty calendar months following the date of enactment of this

Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon'' and inserting the following: ''As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on''.

(c) REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) REPORT ON PRIORITIES FOR RESEARCH, EXTENSION, AND TEACHING.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking ''ANNUAL REPORT'' and inserting ''REPORT''; and

(2) by striking ''Not later than June 30 of each year'' and inserting ''At such times as the Joint Council determines appropriate''.

(e) 5-YEAR PLAN FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(f) REPORT ON EXAMINATION OF FEDERALLY SUPPORTED AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting ''may provide'' before ''a written report''.

(g) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

''(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of each of the following periods:

''(1) The period beginning on the date of the enactment of the Federal Reports Elimination and Sunset Act of 1995 and ending on December 31, 1995.

''(2) Each 10-year period thereafter.''.

Subtitle B—Department of Commerce

SEC. 1021. REPORTS ELIMINATED.

(a) REPORT ON LONG RANGE PLAN FOR PUBLIC BROADCASTING.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(b) REPORT ON STATUS, ACTIVITIES, AND EFFECTIVENESS OF UNITED STATES COMMERCIAL CENTERS IN ASIA, LATIN AMERICA, AND AFRICA AND PROGRAM RECOMMENDATIONS.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(c) REPORT ON KUWAIT RECONSTRUCTION CONTRACTS.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(d) REPORT ON UNITED STATES-CANADA FREE-TRADE AGREEMENT.—Section 409(a)(3) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

''(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

''(A) the issues being considered by the working group; and

''(B) as appropriate, the objectives and strategy of the United States in the negotiations.''.

(e) REPORT ON ESTABLISHMENT OF AMERICAN BUSINESS CENTERS AND ON ACTIVITIES OF THE INDEPENDENT STATES BUSINESS AND AGRICULTURE ADVISORY COUNCIL.—Section 305 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(f) REPORT ON FISHERMAN'S CONTINGENCY FUND REPORT.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(g) REPORT ON USER FEES ON SHIPPERS.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) REPORT ON FEDERAL TRADE PROMOTION STRATEGIC PLAN.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

''(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

''(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

''(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.''.

(b) REPORT ON EXPORT POLICY.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out ''and'' after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

''(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

''(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

''(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

''(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.''.

Subtitle C—Department of Defense

SEC. 1031. REPORTS ELIMINATED.

(a) REPORT ON SEMATECH.—The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) REPORT ON REVIEW OF DOCUMENTATION IN SUPPORT OF WAIVERS FOR PEOPLE ENGAGED IN ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) CLERICAL AMENDMENT TO TABLE OF CONTENTS.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

Subtitle D—Department of Education

SEC. 1041. REPORTS ELIMINATED.

(a) REPORT ON PERSONNEL REDUCTION AND ANNUAL LIMITATIONS.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended in paragraph (2), by striking all beginning with ''and shall,'' through the end thereof and inserting a period.

(b) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a(c)) is amended—

(1) in paragraph (2) by adding at the end ''and'';

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(c) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking ''such report or for any other'' and inserting ''any''.

(d) REPORT ON THE SUMMARY OF LOCAL EVALUATIONS OF COMMUNITY EDUCATION EMPLOYMENT CENTERS.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking ''***AND REPORT***'';

(2) in subsection (a), by striking ''(a) LOCAL EVALUATION.—''; and

(3) by striking subsection (b).

(e) REPORT ON THE ADMINISTRATION OF THE VOCATIONAL EDUCATION ACT OF 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(f) REPORT BY THE INTERDEPARTMENTAL TASK FORCE ON COORDINATING VOCATIONAL EDUCATION AND RELATED PROGRAMS.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(g) REPORT ON THE EVALUATION OF THE GATEWAY GRANTS PROGRAM.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking ''and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate''.

(h) REPORT ON THE BILINGUAL VOCATIONAL TRAINING PROGRAM.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(i) REPORT ON ANNUAL UPWARD MOBILITY PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking ''and annually submit to the appropriate committees of Congress a report based on such evaluations,''.

SEC. 1042. REPORTS MODIFIED.

(a) REPORT ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking ''***REPORT ON***'' and inserting ''***INFORMATION REGARDING***''; and

(2) by striking the matter preceding paragraph (1) and inserting ''The Secretary shall collect data for program management and accountability purposes regarding—''.

(b) REPORT TO GIVE NOTICE TO CONGRESS.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking ''the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice'' and inserting ''a

deadline included in the calendar described in subsection (a) is not met''; and

(2) by striking the second sentence.

(c) ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT OF 1973.—Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712) is amended by striking ''twenty'' and inserting ''eighty''.

(d) REPORT TO THE CONGRESS REGARDING REHABILITATION TRAINING PROGRAMS.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (29 U.S.C. 774(c)) is amended by striking ''simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration'' and inserting ''by September 30 of each fiscal year''.

(e) ANNUAL AUDIT OF STUDENT LOAN INSURANCE FUND.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

''(b) FINANCIAL OPERATIONS RESPONSIBILITIES.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.''.

Subtitle E—Department of Energy

SEC. 1051. REPORTS ELIMINATED.

(a) REPORTS ON PERFORMANCE AND DISPOSAL OF ALTERNATIVE FUELED HEAVY DUTY VEHICLES.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed, and paragraph (5) of that section is redesignated as paragraph (3).

(b) REPORT ON WIND ENERGY SYSTEMS.—Section 9(a) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)) is amended—

(1) by striking paragraph (3);

(2) in paragraph (1) by adding ''and'' after the semicolon; and

(3) in paragraph (2) by striking ''; and'' and inserting a period.

(c) REPORT ON COMPREHENSIVE PROGRAM MANAGEMENT PLAN FOR OCEAN THERMAL ENERGY CONVERSION.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) REPORTS ON SUBSEABED DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) REPORT ON FUEL USE ACT.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) REPORT ON TEST PROGRAM OF STORAGE OF REFINED PETROLEUM PRODUCTS WITHIN THE STRATEGIC PETROLEUM RESERVE.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) REPORT ON NAVAL PETROLEUM AND OIL SHALE RESERVES PRODUCTION.—Section 7434 of title 10, United States Code, is repealed.

(h) REPORT ON EFFECTS OF PRESIDENTIAL MESSAGE ESTABLISHING A NUCLEAR NONPROLIFERATION POLICY ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) REPORT ON WRITTEN AGREEMENTS REGARDING NUCLEAR WASTE REPOSITORY SITES.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: ''If such written agreement is not completed within such period, the Secretary shall report to the Congress in writing within 30 days on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.''.

(j) QUARTERLY REPORT ON STRATEGIC PETROLEUM RESERVES.—Section 165 of the Energy Policy and Conservation Act (42 U.S.C. 6245) is amended—

(1) by striking subsection (b); and

(2) by striking ''(a)''.

(k) REPORT ON THE DEPARTMENT OF ENERGY.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

(l) REPORT ON CURRENT STATUS OF COMPREHENSIVE MANAGEMENT FOR NUCLEAR SAFETY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—Section 8(c) of the Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9707(c)) is repealed.

(m) REPORT ON ACTIVITIES OF THE GEOTHERMAL ENERGY COORDINATION AND MANAGEMENT PROJECT.—Section 302(a) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1162(a)) is repealed.

(n) REPORT ON ACTIVITIES UNDER THE MAGNETIC FUSION ENERGY ENGINEERING ACT OF 1980.—Section 12 of the Magnetic Fusion Energy Engineering Act of 1980 (42 U.S.C. 9311) is repealed.

(o) REPORT ON ACTIVITIES UNDER THE ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1976.—Section 14 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2513) is repealed.

(p) REPORT ON ACTIVITIES UNDER THE METHANE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980.—Section 9 of the Methane Transportation Research, Development, and Demonstration Act of 1980 (15 U.S.C. 3808) is repealed.

SEC. 1052. REPORTS MODIFIED.

(a) REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking ''Not later than 2 years after the date of the enactment of this Act and annually thereafter'' and inserting ''Not later than October 24, 1995, and biennially thereafter'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(6) the information required under section 133(c).''.

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, ''the date of the enactment of this Act'' and inserting ''October 24, 1995''; and

(B) by inserting ''as part of the report required under section 132(d),'' after ''and biennially thereafter,''.

(b) REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting '', as part of the report required under section 548(b),'' after ''the Secretary shall''; and

(2) by striking ''promptly''.

(c) REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking ''of each year thereafter,'' and inserting ''thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,''.

(d) REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) the information required under section 543(b)(2); and'';

(2) in paragraph (2), by striking ''and'' after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) the information required under section 161(d) of the Energy Policy Act of 1992.''.

(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking '', and annually thereafter''.

(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking ''report annually'' and inserting '', as part of the report required under section 657 of the Department of Energy Organization Act, report''.

(g) REPORT ON THE DEPARTMENT OF ENERGY.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after ''section 15 of the Federal Energy Administration Act of 1974,'' the following: ''section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,''.

(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking ''The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army,'' and inserting ''The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,''; and

(2) in subsection (b), by striking ''the Secretary'' and inserting ''the Secretary of the Interior, or the Secretary of the Army,''.

(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof ''The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.''.

(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

''(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.''.

(k) REPORT ON NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) include the report of the Secretary of Energy required by section 203(d); and''.

(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

''(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.''.

Subtitle F—Department of Health and Human Services

SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(b) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(e) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

''BIANNUAL REPORT

''SEC. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.''.

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking ''September 30, 1993, and annually thereafter'' and inserting ''December 30, 1993, and each December 30 thereafter''.

(c) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking ''each fiscal year'' and inserting ''fiscal year 1995, and each second fiscal year thereafter''.

(d) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out ''annually'' and inserting in lieu thereof ''biannually''.

Subtitle G—Department of Housing and Urban Development

SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562 of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Secretary of Housing and Urban Development and''; and

(ii) by striking ''each'', the first place it appears; and

(B) in the second sentence, by striking ''involved''; and

(2) in subsection (b)—

(A) by striking ''The Secretary of Housing and Urban Development and the'' and inserting ''The''; and

(B) by striking ''each''.

SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTIFAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking ''**ANNUAL**''; and

(2) by striking ''The Secretary shall annually'' and inserting ''The Secretary shall no later than December 31, 1995,''.

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out ''(but not less frequently than every three years),''.

Subtitle H—Department of the Interior

SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) REPORT ON RECLAMATION REFORM ACT COMPLIANCE.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) REPORT ON GEOLOGICAL SURVEYS CONDUCTED OUTSIDE THE DOMAIN OF THE UNITED STATES.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(h)) is repealed.

SEC. 1082. REPORTS MODIFIED.

(a) REPORT ON LEVELS OF THE OGALLALA AQUIFER.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking ''annually'' and inserting ''biennially''; and

(2) in section 308, by striking ''intervals of one year'' and inserting ''intervals of 2 years''.

(b) REPORT ON EFFECTS OF OUTER CONTINENTAL SHELF LEASING ACTIVITIES ON HUMAN, MARINE, AND COASTAL ENVIRONMENTS.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking ''each fiscal year'' and inserting ''every 3 fiscal years''.

Subtitle I—Department of Justice

SEC. 1091. REPORTS ELIMINATED.

(a) REPORT ON DRUG INTERDICTION TASK FORCE.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(b) REPORT ON EQUAL ACCESS TO JUSTICE.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(c) REPORT ON FEDERAL OFFENDER CHARACTERISTICS.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(d) REPORT ON COSTS OF DEATH PENALTY.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(e) MINERAL LEASING ACT.—Section 8B of the Mineral Leasing Act (30 U.S.C. 208–2) is repealed.

(f) SMALL BUSINESS ACT.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(g) ENERGY POLICY AND CONSERVATION ACT.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking '', at least once every 6 months, a report'' and inserting '', at such intervals as are appropriate based on significant developments and issues, reports''.

(h) REPORT ON FORFEITURE FUND.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

Subtitle J—Department of Labor

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking ''annually'' and inserting ''biennially''; and

(2) by striking ''preceding year'' and inserting ''preceding two years''.

(b) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking ''beginning of each'' and all that follows through ''Amendments of 1984'' and inserting ''end of each fiscal year''; and

(B) by adding the following new sentence at the end: ''Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8152 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.''.

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking ''Within'' and all that follows through ''Congress the'' and inserting ''At the end of each fiscal year, the''; and

(B) by adding the following new sentence at the end: ''Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).''.

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8152. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

"8152. Annual report.".

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (29 U.S.C. 560) is amended by striking "make a report" and all that follows through "the department" and inserting "prepare and submit to Congress the financial statements of the Department that have been audited".

Subtitle K—Department of State

SEC. 1111. REPORTS ELIMINATED.

(a) REPORT ON AUDIT OF USE OF FUNDS FOR U.N. HIGH COMMISSIONER FOR REFUGEES.—Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

(b) REPORT ON MATTERS RELATING TO FOREIGN RELATIONS AND SCIENCE AND TECHNOLOGY.—Section 503(b) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656c(b)) is repealed.

SEC. 1112. INTERNATIONAL NARCOTICS CONTROL.

(a) Section 489A of the Foreign Assistance Act of 1961 (22 U.S.C. 2291I) is repealed.

(b) Section 490A of that Act (22 U.S.C. 2991k) is repealed.

(c) Section 489 of that Act (22 U.S.C. 2291h) is amended:

(1) in the section heading by striking "**FOR FISCAL YEAR 1995**"; and

(2) by striking subsection (c).

(d) Section 490 of that Act (22 U.S.C. 2291j) is amended:

(1) in the section heading by striking "**FOR FISCAL YEAR 1995**"; and

(2) by striking subsection (i).

Subtitle L—Department of Transportation

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking "biennially" and inserting "triennially".

(d) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(e) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(f) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(g) REPORT ON FEDERAL RAILROAD SAFETY.—(1) Section 20116 of title 49, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 201 of title 49, United States Code, is amended by striking the item relating to section 20116.

(h) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(i) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(j) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(k) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

"(2) For any species determined to be an endangered species or a threatened species under section 4(a), or proposed for listing under section 4(b), prior to the effective date of this section, and for any species for which a final recovery plan has not been published prior to January 1, 1993, the Secretary shall develop and implement a final recovery plan pursuant to the requirements of this section not later than 2 years after the effective date of this section.

"(3) The Secretary shall prepare and publish in the Federal Register a notice of availability of, and request for public comment on, a draft version of any revision of a recovery plan.

"(4) The Secretary shall hold a public hearing on the draft version of each new or revised recovery plan in each county or parish to which the version applies.

"(5) Prior to the decision to adopt a final version of each new or revised recovery plan, the Secretary shall consider all information presented during each hearing held pursuant to paragraph (4) and received in response to the request for comments contained in the final regulation specified in paragraph (1)(A) or the Federal Register notice specified in paragraph (4). The Secretary shall publish the response of the Secretary to all information presented in such testimony or comments in the final version of the new or revised recovery plan.

"(6) Prior to implementation of a new or revised recovery plan, each affected Federal agency shall consider separately all information presented during each hearing held pursuant to paragraph (5) and received in response to the request for comments contained in the final regulation specified in paragraph (1)(A) or the Federal Register notice specified in paragraph (4).

(l) REPORT ON PIPELINE SAFETY.—Section 60124(a) of title 49, United States Code, is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking "September 30 and".

Subtitle M—Department of the Treasury

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking "month" and inserting "calendar quarter".

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; and", and

(3) by adding after paragraph (6) the following new paragraph:

"(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.".

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out "month" each place it appears and inserting in lieu thereof "calendar quarter".

Subtitle N—Department of Veterans Affairs

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of title 38, United States Code, of is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(c) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (D) as subparagraph (C);

(B) in subparagraph (A), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)"; and

(C) in subparagraph (B), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)".

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

Subtitle B—Environmental Protection Agency

SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON VARIANCE REQUESTS.—Section 301(n)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)(8)) is amended by striking ''Every 6 months after the date of the enactment of this subsection, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation'' and inserting ''By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure''.

(c) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)(3)) is amended by striking ''The Administrator shall report annually to the Committee on Public Works and Transportation'' and inserting ''By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall report to the Committee on Transportation and Infrastructure''.

(d) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (g) as subsections (d) and (e), respectively.

(e) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking ''(a) MONITORING METHODS.—''; and

(2) by striking subsection (b).

(g) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (e) through (i) as subsections (c) through (g), respectively.

(l) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle C—Equal Employment Opportunity Commission

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking ''including'' and inserting ''including information, presented in the aggregate, relating to'';

(2) in clause (i), by striking ''the identity of each person or entity'' and inserting ''the number of persons and entities'';

(3) in clause (ii), by striking ''such person or entity'' and inserting ''such persons and entities''; and

(4) in clause (iii)—

(A) by striking ''fee'' and inserting ''fees''; and

(B) by striking ''such person or entity'' and inserting ''such persons and entities''.

Subtitle D—Federal Aviation Administration

SEC. 2041. REPORTS ELIMINATED.

The provision that was section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out ''GAO''; and

(2) by striking out ''the Comptroller General'' and inserting in lieu thereof ''the Department of Transportation Inspector General''.

Subtitle E—Federal Communications Commission

SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

Subtitle F—Federal Deposit Insurance Corporation

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

''(1) QUARTERLY REPORTING.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.''.

Subtitle G—Federal Emergency Management Agency

SEC. 2071. REPORTS ELIMINATED.

Section 611(i) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(i)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Subtitle H—Federal Retirement Thrift Investment Board

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

''(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.''.

Subtitle I—General Services Administration

SEC. 2091. REPORTS ELIMINATED.

(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out ''paragraph (2)'' and inserting in lieu thereof ''paragraph (3)''.

(b) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled ''An Act authorizing the transfer of certain real property for wildlife, or other purposes.'', approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out ''and shall be included in the annual budget transmitted to the Congress''.

Subtitle J—Interstate Commerce Commission

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

''(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.''.

Subtitle K—Legal Services Corporation

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out ''The'' and inserting in lieu thereof ''Upon request, the''.

Subtitle L—National Aeronautics and Space Administration

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

''(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND REGIONAL TECHNOLOGY TRANSFER CENTERS.—The National Aeronautics and Space Administration and regional technology transfer centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.''.

Subtitle M—National Council on Disability

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

Subtitle N—National Science Foundation

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

Subtitle O—National Transportation Safety Board

SEC. 2151. REPORTS MODIFIED.

Section 1117 of title 49, United States Code, is amended—

(1) in paragraph (2) by adding ''and'' after the semicolon;

(2) in paragraph (3) by striking out ''; and'' and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

Subtitle P—Neighborhood Reinvestment Corporation

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

Subtitle Q—Nuclear Regulatory Commission

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking ''each quarter a report listing for that period'' and inserting ''an annual report listing for the previous fiscal year''.

Subtitle R—Office of Personnel Management

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347(e) of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out ''(a)''; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

Section 1304(e)(6) of title 5, United States Code, is amended by striking out ''at least once every three years''.

Subtitle S—Office of Thrift Supervision

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out ''annually'';

(2) by striking out ''audit, settlement,'' and inserting in lieu thereof ''settlement''; and

(3) by striking out '', and the first audit'' and all that follows through ''enacted''.

Subtitle T—Panama Canal Commission

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

Subtitle U—Postal Service

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the Mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3005 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

''(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out ''the Board shall transmit such report to the Congress'' and inserting in lieu thereof ''the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)''.

Subtitle V—Railroad Retirement Board

SEC. 2221. REPORTS MODIFIED.

(a) COMBINATION OF REPORTS.—Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking ''On or before July 1, 1985, and each calendar year thereafter'' and inserting ''As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))''.

(b) MODIFICATION OF DATES FOR PROJECTION AND REPORT—Section 22 of the Railroad Retirement Act of 1974 (45 U.S.C. 231u) is amended—

(1) by striking ''February 1'' and inserting ''May 1''; and

(2) by striking ''April 1'' and inserting ''July 1''.

Subtitle W—Thrift Depositor Protection Oversight Board

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out ''the end of each calendar quarter'' and inserting in lieu thereof ''June 30 and December 31 of each calendar year''.

Subtitle X—United States Information Agency

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(c) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(d) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(e) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(f) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(g) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled ''An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense'', approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out ''all such actions taken'' and inserting in lieu thereof ''if any such action has been taken''.

(h) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

''(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

''(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

''(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

''(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

''(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.''.

SEC. 3003. TERMINATION OF REPORTING REQUIREMENTS.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2) of this subsection and subsection (d), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 4 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101–576), including provisions enacted by the amendments made by that Act.

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the 103d Congress under clause 2 of rule III of the Rules of the House of Representatives (House Document No. 103–7).

(d) SPECIFIC REPORTS EXEMPTED.—Subsection (a)(1) shall not apply to any report required under—

(1) section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);

(2) section 306 of that Act (22 U.S.C. 2226);

(3) section 489 of that Act (22 U.S.C. 2291h);

(4) section 502B of that Act (22 U.S.C. 2304);

(5) section 634 of that Act (22 U.S.C. 2394);

(6) section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a);

(7) section 25 of the Arms Export Control Act (22 U.S.C. 2765);

(8) section 28 of that Act (22 U.S.C. 2768);

(9) section 36 of that Act (22 U.S.C. 2776);

(10) section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425);

(11) section 104 of the FREEDOM Support Act (22 U.S.C. 5814);

(12) section 508 of that Act (22 U.S.C. 5858);

(13) section 4 of the War Powers Resolution (50 U.S.C. 1543);

(14) section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703);

(15) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(16) section 207 of the International Economic Policy Act of 1972 (Public Law 92–412; 86 Stat. 648);

(17) section 4 of Public Law 93–121 (87 Stat. 448);

(18) section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(19) section 704 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5474);

(20) section 804 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 104 Stat. 72);

(21) section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f);

(22) section 2 of the Act of September 21, 1950 (Chapter 976; 64 Stat. 903);

(23) section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871);

(24) section 2202 of the Export Enhancement Act of 1988 (15 U.S.C. 4711);

(25) section 1504 of Public Law 103–160 (10 U.S.C. 402 note);

(26) section 502 of the International Security and Development Coordination Act of 1985 (22 U.S.C. 2349aa–7);

(27) section 23 of the Act of August 1, 1956 (Chapter 841; (22 U.S.C. 2694(2));

(28) section 5(c)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(5));

(29) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(30) section 50 of Public Law 87–297 (22 U.S.C. 2590);

(31) section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a); or

(32) section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469).

AMENDMENT NO. 3086

(Purpose: To make certain technical amendments to the House amendment)

Mr. DOLE. I move that the Senate concur in the House amendment with a further amendment on behalf of Senators MCCAIN and LEVIN. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. MCCAIN, for himself and Mr. LEVIN, proposes an amendment numbered 3086.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 1041(b) of the House amendment is amended by (1) striking paragraph (1), and (2) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

Section 1102(b)(1)(B) of the House amendment is amended in the quoted matter by (1) striking ''reports'' and inserting ''report'', and (2) striking ''and section 8152 of title 5, United States Code,''.

Section 1121 of the House amendment is amended by striking the matter after subsection (k) and before subsection (l).

Section 2021 of the House amendment is amended in the heading for the section by striking ''ELIMINATED'' and inserting ''MODIFIED''.

Mr. LEVIN. Mr. President, with passage of this bill, today, we are ready to eliminate or modify over 200 statutorily required reports to Congress and to sunset those reports with an annual, semiannual, or other regular periodic requirement, 4 years after the enactment of the bill.

Both the Senate and the House of Representatives have passed the bill in slightly different forms, and I am hopeful that when we send the bill to the House this time, it will be promptly passed and sent to the President for signature. We passed S. 790 on September 12, 1995; the House of Representatives made some minor changes and passed S. 790 on November 14. We have now reviewed the bill and have identified four technical changes that need to be made. These changes would:

Eliminate a mistaken reference in section 1041(b).

Strike an inappropriate section reference in section 1102.

Strike irrelevant material accidentally placed in section 1121.

Change ''ELIMINATED'' to ''MODIFIED'' in the heading for section 2021.

The Congressional Budget Office estimates that the enactment of this bill could result in a savings of up to $5 to $10 million, which does not include savings from the reports subject to the sunset provision.

I also want to take this opportunity to express my sincere gratitude to Michael Rhee, formerly of my Oversight Subcommittee staff. Michael served on my staff for 1 year as a Javits Fellow, and he honored well the namesake of his fellowship. Senator Javits would have been proud to have supported a person of the caliber of Michael Rhee. Michael worked tirelessly, meticulously, and doggedly on this legislation, and I can honestly say it would not have happened without him. He was a terrific member of my staff, dedicated to the principles of public service, and we should all be thankful for his commitment and hard work.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE READ FOR FIRST TIME—S. 1452

Mr. DOLE. Mr. President, I understand that S. 1452, introduced today by Senator GRAMS, is at the desk. And I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1452) to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

Mr. DOLE. I now ask for its second reading. And I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, DECEMBER 7, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. Thursday, December 7; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 10:30 a.m., with time between the hours of 9 and 9:30 under the control of Senator MOYNIHAN, 9:30 to 9:45 under the control of Senator DASCHLE or his designee, and the time between the hours of 9:45 and 10:30 under the control of Senator DOLE or his designee; further, at the hour of 10:30 the Senate proceed to the consideration of the conference report to accompany H.R. 2076, the Commerce-State-Justice appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. For the information of all Senators, the Senate will begin debate on the Commerce-State-Justice appropriations conference report at 10:30 a.m., Thursday. There is no time agreement on the conference report. It is hoped a vote could occur on adoption of the Commerce-State-Justice appropriations conference report after a reasonable amount of debate. That is estimated to be 2 hours, 3 hours, 4 hours, or 5 hours. I do not think it goes beyond 5 hours, I hope.

But under a previous order, following the disposition of that conference report, the Senate will resume H.R. 1833, the Partial-Birth Abortion Ban Act, with votes occurring on the Dole and Boxer amendments following 60 minutes of debate.

Senators should also be aware that this evening a cloture motion was filed on the motion to proceed to the constitutional amendment regarding the desecration of the flag, and we can expect a cloture vote on that motion to proceed on Friday, unless we can reach an agreement. I hope we can. I think the bottom of all this is reaching agreement on the State Department reorganization, and three or four other matters, including a number of Ambassadors, the START II Treaty, a vote on the Chemical Weapons Treaty. I understand we are very close to an agreement. I know it has gone on and on and on and on. And I hope we can wrap that up tomorrow morning, vitiate the cloture motion, go ahead and complete action tomorrow evening on the flag amendment.

ORDER FOR ADJOURNMENT

Mr. DOLE. And, finally, Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Would the Senator from New Hampshire withhold so the Chair can make an appointment?

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–83, appoints the following individuals to the Commission for the Preservation of America's Heritage Abroad: Rabbi Chaskel Besser of New York, E. William Crotty of Florida, and Ned Bandler of New York.

The Senator from New Hampshire is recognized.

TRIBUTE TO DMITRY VOLKOGONOV

Mr. SMITH. Mr. President, earlier today in Moscow, the world lost a renowned, first-class historian with the highest of morals, Russia lost a key reformer, America lost an ally in the search for the truth about missing American servicemen, and I lost a friend and colleague.

I am speaking of retired Russian Gen. Dmitry Volkogonov who passed away earlier today at the age of 67, following a long battle with cancer.

I first met General Volkogonov in February, 1992, when Senator JOHN KERRY and I traveled to Moscow as the cochairmen of the Senate Select Committee on POW/MIA Affairs.

More than any other person in Russia at the time, General Volkogonov was eager to assist the United States in finding answers about missing American servicemen from the cold war, the Korean war, the Vietnam war, and even World War II. This was a very difficult situation for General Volkogonov because he had to deal with the archives, he had to deal with the KGB, and others who had much information that they would have preferred not to come to the surface. But General Volkogonov bravely pursued it on our behalf.

I will never forget sitting in the general's top-floor office in the Russian Duma in February, 1992, listening to the general detail his preliminary work in Soviet archives on the issue of missing Americans.

It was a cold, winter afternoon in Moscow that day, but as the meeting progressed, the Sun began to shine. In fact, the sunlight was so strong that we literally had to close the blinds in the office. The sunlight was a good sign that day, Mr. President. I knew we were on the right track to seeking answers now that we had found General Volkogonov.

I also knew it would not be long before the Sun began to shine on important information previously tucked away in the darkest corners of the Soviet archives.

Following my first trip to Moscow with Senator KERRY, then-President George Bush and President Yeltsin formally established a Joint Commission on the MIA issue between Russian and the United States. The Russian side was headed by General Volkogonov.

I was happy that Senator KERRY and I were appointed to serve on that Commission, along with Congressmen SAM JOHNSON and PETE PETERSON, both of whom were POWs in Vietnam. During the last 4 years, it was a privilege to work with General Volkogonov, and I was thankful for the opportunities I had to meet with him here in Washington, as well as in Moscow.

Because of the research conducted by General Volkogonov, the United States has received important documentary evidence concerning the fate of unaccounted-for Americans captured or lost in North Vietnam, North Korea, China, and along the borders of the former Soviet Union.

It is the kind of information, Mr. President, that never would have seen the light of day had it not been for General Volkogonov.

He has turned over documents concerning discussions between Joseph Stalin and Chinese officials in 1952 about how many American POW's would be held back during the Korean war. He has also handed over Russian translations of North Vietnamese politburo sessions where it was indicated that more American POW's were secretly being held in North Vietnam than those eventually released.

These documents are both dramatic and disturbing, and it remains for Vietnam, North Korea, and China to fully explain these documents.

I will never forget General Volkogonov sitting in my office telling me that these documents were authentic, and that he would do everything in his power to get them and to get access to them on behalf of the American people. And this is a Russian general.

When these documents were formally turned over to the United States by Russia, General Volkogonov stated—

> It's a delicate issue, but we can't be quiet about it any longer, since it's a humanitarian issue . . . we are talking about men's fates . . . there is no political spin. We want to help the families.

Those were the words of General Volkogonov.

Mr. President, this was obviously a noble cause for the general. America could not have asked for a more committed ally on this issue. He fully understood our joint quest for the truth, and the importance that Americans attached to this inquiry. He had a way of knowing how we felt, how deeply we felt about this issue, specifically our Nation's veterans and the families of our unaccounted for Americans.

When you think of the thousands, if not millions, of people lost in Soviet wars, most of them attributed to Stalin, General Volkogonov took the time to spend looking for these few—compared to the Russian losses—Americans.

General Volkogonov always stood on principle. He took action when he knew it was morally correct to do so. He was not afraid, and he was not deterred. Nothing showed those traits more clearly than when he wrote his books on Stalin and Lenin, based on his archival research, and when he admitted he had been wrong in believing that Soviet-style communism could be more ''human and effective'' as he put it. Can you imagine the courage of a man who would write something like that?

General Volkogonov was the first Russian general to admit the system had failed—he was the ''black sheep'' as he put it in an interview earlier this year.

Mr. President, history will judge General Volkogonov very kindly. And historians will owe him a great debt for years to come.

I know both the Russian people and the American people will always be grateful for his enormous contributions. I also hope both our governments understand how important General Volkogonov was in helping to build a bridge of partnership and cooperation between Russia and the United States on these humanitarian issues of missing American servicemen.

I am going to miss my friend, Dmitry Volkogonov, and I know the American people join me in sending our condolences to his wife and two daughters.

Let me conclude by expressing my heartfelt hope that President Yeltsin and the Russian Duma will find someone—it will be difficult—but will find someone to follow in the general's footsteps who is equally committed to disclosing information about unaccounted for American POW's and MIA's.

I can think of no finer tribute to this great man. And let me just say, it would be appropriate, I think, for us to remember him tonight because he is a part of history and he was a great historian. This is what we should have for the historical record for General Volkogonov.

Mr. President, I ask unanimous consent that two obituaries on General Volkogonov from newswire services be printed in the RECORD, and I also ask unanimous consent that the statement by the American chairman of the United States-Russian joint commission, Ambassador Malcolm Toon, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RUSSIAN HISTORIAN VOLKOGONOV DIES AT 67

(By Anatoly Verbin)

MOSCOW, Dec. 6 (Reuter).—General Dmitry Volkogonov, one of the best-known Russian historians of the past decade, died on Wednesday at the age of 67.

Volkogonov was both famed and hated for his revealing works on Vladimir Lenin, Leon Trotsky and Josef Stalin.

The State Duma lower house of parliament stood in silence to pay final tribute to the man who called himself the ''black sheep'' of the Soviet generals.

He transformed from an orthodox communist standardbearer to a writer triggering the nomenklatura's outrage with books mercilessly stripping away decades of myths

about dictator Stalin and Soviet state founder Lenin.

''I was a Leninist and a Marxist for many years until I gradually realised that I and many of my colleagues had been misled,'' he said in a Reuters interview earlier this year.

''I was not a dissident—I thought the system could be reformed, be made more human and effective, but I was wrong. I was the first general to admit it, a black sheep.''

In 1937, when Volkogonov was eight, his father was shot in Stalin's purges and his mother ended up in a labour camp. The young boy's faith in the system was not shaken and he entered the army as an orphan.

He made a perfectly orthodox career in the Soviet Red Army ending with a job as as deputy head of the department responsible for communist indoctrination of troops.

He then become head of the Institute of Military History, which gave him unparalelled access to the nation's top archives. The deeper he delved, the more disillusioned he became.

Volkogonov rose to prominence in 1988 by producing the first Soviet biography of Josef Stalin, which portrayed the dictator as an immoral power-hungry killer.

This was hardly a revelation for Western historians. But it exploded like a bombshell among a people kept in ignorance of their own history for decades.

In 1991, Volkogov and his team produced the first volume of a planned ten-tome official Soviet history of World War Two.

The book, which castigated Stalin for letting himself be outwitted by Hitler, was banned by horrified Soviet Defense Ministry officials.

Volkogonov resigned in protest.

After producing a biography of Soviet rebel-revolutionary Leon Trostky, he tackled what he described as the last bastion—Lenin.

Previous accounts had always been careful to portray the Soviet state's founder as a kindly, wise man whose ideas were subsequently perverted by Stalin.

Volkogonov's biography, based on 3,724 top secret documents, smashed the illusion by unmasking Lenin as ruthless and ready to resort to mass killings to achieve his aims. ''Lenin was the anti-Christ, more like the devil . . . All Russia's great troubles stemmed from Lenin,'' Volkogonov once said.

Volkogonov once served as a military adviser to President Boris Yeltsin. In that capacity, at the end of 1991, he headed a commission which abolished communist party bodies in the armed forces.

Up to his death, he was a co-chairman of a joint Russian-U.S. commission looking into the fates of POWs and missing in action in world War Two, Vietnam and other wars.

DMITRY VOLKOGONOV, MILITARY HISTORIAN AND REFORMER, DEAD AT 67

(By Ntasha Alova)

MOSCOW (AP).—Dmitry Volkogonov, a military historian who helped reveal the truth about Communist Party repression and who headed the Russian-American Commission on missing POWs, has died after a long battle with cancer. He was 67.

Gen. Volkogonov died Tuesday night at a military hospital in Krasnogorski, outside Moscow, the Interfax news agency reported.

Volkogonov, who as director of the Soviet Defense Ministry's History Museum had extensive access to Soviet military archives, was one of the first historians in Russia to make public the extent of the Communist regime's persecution.

His confirmation that the repression began when the Bolsheviks took power in 1917 and was, in fact, launched by Vladimir Lenin, the Communists' idol, made hardliners revile him and pro-reform forces lionize him.

Volkogonov wrote more than 30 books. Best known are his history works on Lenin, Josef Stalin and Leon Trotsky, written in recent years on the basis of newly opened archive materials.

Born in Siberia in 1928, Volkogonov fell victim to Stalin's repression at an early age, when his father was shot and his mother sent into exile.

Volkogonov joined the Soviet army in 1949 after working as a teacher. He finished a tank school, then made his career as a student and later professor at the Lenin Military-Political Academy for top Soviet army political-propaganda officers.

He later headed the Soviet Defense Ministry's History Museum and conducted archival research there.

Volkogonov met Boris Yeltsin in 1990 when both became members of the Russian parliament, and in 1991 he became security and defense adviser to Yeltsin, then parliamentary speaker. He remained an adviser after Yeltsin became president.

After the 1991 Soviet breakup, Volkogonov presided over a commission charged with creating a Russian defense ministry and armed forces.

When the U.S.-Russia Joint Commission on Prisoners of War and Missing in Action was formed in 1992, Volkogonov became co-chairman, along with Malcolm Toon of the United States.

The commission was charged with determining whether any American servicemen were held on Soviet territory during the Cold War. So far, they have found none.

He also headed a presidential commission charged with finding missing Russian soldiers, including those lost during the war in Chechnya.

In 1993, the retired general was elected to the first post-Soviet parliament on reformer Yegor Gaidar's ticket.

The State Duma, the lower house of parliament. today observed a moment of silence in his honor.

Volkogonov was married, with two daughters.

STATEMENT BY AMBASSADOR MALCOLM TOON, AMERICAN CO-CHAIRMAN OF THE U.S. RUSSIA JOINT COMMISSION

The U.S. side of the U.S. Russia Joint Commission was very saddened to learn of the passing of General-Colonel Antonovich Volkogonov, a fellow soldier for whom we had great respect, which only grew in the three and a half years we worked together. While serving as the Russian co-chairman of the U.S.-Russia Joint Commission on POW/MIA Affairs, General Volkogonov widened the windows of communication with the United States on POW/MIA matters, and was unswerving in his efforts to gain information which would help resolve painful questions about lost American and Soviet service members. Enduring great physical hardship, he nevertheless demonstrated a strength of character so admired by his friends and colleagues. His work will leave an enduring legacy to Russians and to the world alike, and his memory will serve as a beacon to those who continue his efforts. We will miss him.

Mr. SMITH. Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 o'clock tomorrow morning.

Thereupon, the Senate, at 8:01 p.m., adjourned until Thursday, December 7, 1995, at 9 a.m.

EXTENSIONS OF REMARKS

REMEMBERING PEARL HARBOR, 1995

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. STUMP. Mr. Speaker, on December 7, 1995, we pay homage to the 2,403 Americans killed at Pearl Harbor. Both Congress and the President have resolved that this date shall be designated as ''National Pearl Harbor Remembrance Day.'' The most effective way we can honor the memory of those Americans who were killed in battle is to encourage future generations of Americans to remember the tragedy and the significance of that day. On December 8, 1941, President Franklin Delano Roosevelt appeared before a joint session of Congress asking that ''a state of war'' be declared against the Imperial Government of Japan.

. . . But always will our whole Nation remember the character of the onslaught against us . . . The American people in their righteous might, will win through to absolute victory . . . [We] will make it very certain that this form of treachery shall never again endanger us . . . With confidence in our armed forces—with the unbounding determination of our people—we will gain the inevitable triumph—so help us God.

On Sunday, December 7, 1941, a date which will live in infamy, and on December 8, the Japanese launched unprovoked attacks against Pearl Harbor, Malaya, Hong Kong, Guam, the Philippine Islands, Wake Island, and Midway Island.

At 0755 that fateful morning, waves of Japanese planes descended upon Pearl Harbor, bombing and strafing American planes and the Pacific fleet. In less than 2 hours, the attack was over.

The Japanese left behind a scene of destruction and carnage unparalleled in the history of the United States. Of the 96 ships present in the harbor that day, 3 were destroyed and 16 were severely damaged. The U.S.S. *Arizona* exploded and sank within 9 minutes, killing 1,103 sailors and Marines. When the smoke cleared that day 2,403 Americans were dead and 1,178 were wounded. Fifteen Medals of Honor were awarded, as well as 51 Navy Crosses, one Distinguished Flying Cross, and 53 Silver Stars.

On that day, boys became men, and men became heroes. Their courage came naturally and they reacted instinctively, knowing full well that America would ultimately succeed due to the nobility of their cause.

Never in the history of our fledgling republic has such a reprehensible act been perpetrated against innocent victims in a country not at war.

Never in the history of the United States has a country deceived another by false statements and expressions of hope for continued peace.

Never in history of a constitutional government has this degree of treachery been committed against a military objective in a country not at war. These were truly dastardly and cowardly acts by the Imperial Government of Japan.

The Japanese attack on Pearl Harbor, however, was not a complete success. Their main targets, the aircraft carriers U.S.S. *Lexington, Enterprise* and *Saratoga*, were absent during the assault. The Japanese, as well, failed to destroy both repair and strategic oil storage facilities on the island, without which the Pacific fleet would have been forced to withdraw to the west coast of the United States.

History has established that wealth alone offers no protection against aggression. Success in war depends upon the character of its citizens and the quality of its leadership, not the sum total of its wealth.

No nation on Earth has ever been overwhelmed for a lack of it, and the nobility of the character of its citizens has produced a legacy of magnanimity for generations to come. It is for them, America's future, that we apply the lessons of the past.

The attack on Pearl Harbor was the defining moment in the consolidation of the American spirit. Pearl Harbor was our rally point producing our single-minded resolve toward victory. That resolve made us unyielding in war, and today sustains our aspirations for lasting peace. The energized and unleashed power of America turned the tide of battle in the Pacific, resulting in a continuous procession of pulverizing defeats against the Imperial Government of Japan.

Since Pearl Harbor, America has never stood alone. Beside us stand nations deeply committed to freedom, democracy, and a free market environment—nations including our former enemies Japan, Germany and Russia. This unity of purpose continues to inspire us in the cause of peace among nations.

As we commensurate ''National Pearl Harbor Remembrance Day,'' let us never forget the memory of those Americans who sacrificed their lives in the defense of freedom and democracy, and let us always recall, with deep respect, those individual acts of heroism and valor demonstrated by men and women who defended America 55 years ago today.

TRIBUTE TO THE LATE PAUL CSONKA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. SHAW. Mr. Speaker, I rise today to honor the memory of a great Floridian, Paul Csonka, who passed away this last Friday at the age of 90. Paul was a distinctive individual who led a remarkably full life. His life centered around his love for music and his desire to enrich the lives of those around him with his knowledge.

One of his early professional achievements was cofounding the Salzburg Opera Festival in pre-War II Austria. He was actively involved in this project until the Nazi regime took over his homeland. With nothing but his love of music and the clothes on his back, he fled to Cuba in 1938. There, Paul was able to continue his cultural endeavors, and share his fervor with the people of Cuba.

Once again, he was forced to leave all of his worldly possessions behind as he fled Cuba after Fidel Castro took over. But it was his art that truly mattered, and this is what he brought with him to south Florida. After settling in Palm Beach, Paul ushered in a period of increased cultural awareness. He served as the creative director of the Civic Opera of the Palm Beaches which eventually evolved into the Palm Beach Opera. The opera thrived under his direction as he singlehandedly defined the opera scene in Palm Beach. After leaving the Palm Beach Opera in 1983, his presence in the cultural community persisted. He continued working with music students and produced a series of music programs at a variety of retirement communities. He received a honorary degree from New York University as a tribute to his contribution to the music world.

While he was renowned for his musical talents, he will be remembered most for his character and humanity. His experiences and personality made him larger than life and his charisma was infectious. Mr. Speaker, I ask my colleagues to join me in remembering the life of Paul Csonka.

THE BEST SMALL TOWN IN AMERICA

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1995

Mr. GEJDENSON. Mr. Speaker, I rise today to recognize Essex, CT, on being named the Best Small Town in America by author Norman Crampton. Mr. Crampton's book, ''The 100 Best Small Towns in America,'' recognizes Essex for qualities its residents, and people across Connecticut, have appreciated for many years. The residents, officials, and business people of the community should be very proud of this honor, which acknowledges their commitment to their community.

Mr. Crampton ranked towns across the Nation using several criteria, including per capita income, crime rate, public school expenditure per pupil, and percentage of population with a bachelor's degree. While every survey seeking to rate communities relies on similar factors, the author also considered community efforts to provide housing to all income groups and to encourage residents to play an active role in town affairs.

In the final analysis, Essex rose above every other small town in America to be named No. 1. Since settlers first came to the area in the mid-1600's, Essex, which encompasses the villages of Centerbrook, Ivoryton, and Essex, has distinguished itself. For much

of the 18th and early-19th centuries, Essex was known as a world-class shipbuilding center. In fact, the first ship commissioned by the U.S. Navy in 1775, the *Oliver Cromwell,* was built in Essex and provided to our fledgling Government by the State of Connecticut. In addition to building the ships which were the lifeline of commerce in the 1700's and 1800's, Essex was an important commercial port for trade throughout the world, especially between the eastern United States and the islands of the Caribbean. The village of Ivoryton was so named because Essex was home to one of the leading manufacturers of piano keys. Manufacturers in Essex also helped to pioneer commercial production of witch hazel and the community remains home to one of the world's largest distillers of this product.

Mr. Speaker, it is obvious to this Member why Essex has been ranked No. 1. The community has something to offer to everyone. Families can take advantage of first-rate public schools, affordable housing, and local employment opportunities. Lying on the banks of the lower Connecticut River, Essex boasts tidal flats and marshes, coves and inlets which provide valuable habitat for many species of fish, wildlife and birds. Visitors can enjoy leisurely rides on the Connecticut Valley Railroad, affectionately known by locals as the Essex Steamtrain, and conclude their day with a great meal at the historic Griswold Inn, which has been serving visitors for more than 200 years.

During the course of writing his book, Mr. Crampton interviewed citizens in communities around the Nation. His conversations with those in Essex highlighted another characteristic which makes this community special—the volunteer spirit of its residents. Until recently, virtually every local official served without pay and many continue to do so today. Fires are fought by volunteers, school playgrounds are built by parents, and elections are monitored by civic-minded citizens who never receive a penny for their dedication to their community. Mr. Richard Gamble summed up the contribution of Essex's residents by saying ''we're unusually blessed by people who are not only capable, but willing to spend the time.''

Mr. Speaker, I am proud to join residents from Essex in celebrating this much deserved honor. Parochially, I believe every small town across the Second Congressional District could qualify for the No. 1 spot. However, today we celebrate the achievements of this community and welcome people from across the country to come join us in America's No. 1 Small Town—Essex.

PERSONAL EXPLANATION

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mrs. FOWLER. Mr. Speaker, due to a death in the family, I was not present for rollcall vote No. 837. Had I been present I would have voted ''yes'' on H.R. 2684.

PERSONAL EXPLANATION

HON. ENID G. WALDHOLTZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mrs. WALDHOLTZ. Mr. Speaker, on Rollcall No. 837 I was unavoidably detained and I was unable to cast my vote. Had I been present, I would have voted ''yea.''

Mr. Speaker, I strongly support the Senior Citizens Right to Work Act of 1995. This bill removes the penalty for seniors who choose to work in their later years by raising the Social Security earnings limit. Under current law, seniors lose $1 in Social Security benefits for every $3 they earn above $11,280. When you add FICA and Federal income taxes, seniors are hit with a tax rate of over 55 percent, a higher rate than millionaires pay. This bill removes that penalty by safeguarding Social Security benefits of seniors earning up to $30,000, rewarding—rather than punishing—working seniors.

THE BALANCED BUDGET ACT OF 1995 IS GOOD FOR CALIFORNIA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. PACKARD. Mr. Speaker, as Congress and the President are mired in budget negotiations, it is a good time to reflect on why a balanced budget by 2002 is so important. The national debt as of Monday was $4,988,891,675,281.12. This figure is outrageous. It is why my Republican colleagues and I are fighting so hard for a balanced budget and why time is of the essence. Our children should not be saddled with this overwhelming financial burden.

Passing the Balanced Budget Act now is not only good for the country, it is good for California. The people of California will save $262 per household per year on the State and local government debt, $4,757 per year on an average fixed-rate mortgage, and $858 on the average 10-year student loan. These are real benefits for the hard-working people of California.

Mr. Speaker, agreement on a balanced budget will ensure that the current and future generations of California will enjoy lower taxes, cheaper loans, and lower mortgages. A budget stalemate will deny Californians, and all Americans, the future they deserve.

TRIBUTE TO DR. JOHN HOWARD COLES III

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. CLEMENT. Mr. Speaker, on December 31, 1994, Dr. John Howard Coles III, a constituent of mine, retired after a long and distinguished medical career.

Dr. Coles has unselfishly devoted his entire life to the healing of others, investing countless hours in the operating room, by his patients' bedsides or on the telephone late at night discussing a sick patient's symptoms.

Dr. Coles is from the old school of medicine, where care and genuine concern were always part of the prescription, and nothing was too minor for his attention. In an era where big business has spread to the medical industry, Dr. Coles' office was a sanctuary for his patients because they always knew they could find someone who truly cared about them, not only about their physical well-being, but their emotional well-being and the health of their families as well. He knew their children's names, vacation plans and desires for the future.

I will never forget the warmth and concern Dr. Coles showed for my welfare when I was a freshman on the Hillsboro High School football team. Dr. Coles put stitches in my chin and left me with a lasting, wonderful impression of his superior bedside manner and conscientious attention to detail. You knew that when Dr. Coles was taking care of you, you were in the best of hands. He personalized every relationship and truly made you feel as if you alone were his No. 1 priority.

The announcement of his retirement prompted a letter to the editor in The Tennessean from patient Sara Roop, and I'd like to take a moment to read a portion of that letter because I believe she has accurately captured the essence of Dr. John Coles.

For over 20 years, Dr. Coles has responded to my calls, some frantic with concern over a sick child, some simply seeking advice or reassurance. The ailment was never too minor, the question too foolish, nor the time consumed too excessive.

Just talking with Dr. Coles was good medicine. He would always dispense appropriate doses of advice, medication, treatment and kindness. Then he would send us home with the directive, ''Call me any time, day or night,''

What has impressed me most about John Coles is his genuine compassion—a rare commodity, even in the medical profession. ''I'm sorry'' was a much-used phrase. He was truly sorry when my son or daughter was ill, when I struggled physically and emotionally with breast cancer.

I am sure Dr. Coles is unaware he has shared so many of these wonderful gifts with my family and so many other grateful patients. Giving wasn't something he did; it was something he was.

Dr. Coles was born in Nashville on Sept. 29, 1927, and graduated from Vanderbilt University and Vanderbilt University Medical School. He served a rotating internship at Baltimore City Hospital in 1951–52, delivering 105 babies in a 60-day period. He continued at Baltimore with a surgical residency through 1955, taking a little time out to marry.

After serving an Oncology Fellowship at Vanderbilt University Medical Center in 1955–56, he served as a captain and base surgeon at Chenault Air Force Base in 1957–59.

In 1959, he established his private practice in general surgery and general practice, which he continued until his recent retirement. In addition to his regular medical duties, he also served as school physician for David Lipscomb College from 1968–82 and as a team physician for Hillsboro High School from 1960–73. He has held surgical privileges at Baptist Hospital, St. Thomas Hospital and Nashville General Hospital.

He has been a physician and surgical consultant to such local companies at South

Central Bell, and has served on the board of directors of the Green Hills Health Care Center. He has helped with disability evaluations for the Social Security Administration. He holds active memberships in the Nashville Academy of Medicine, Davidson County Medical Society, Tennessee Medical Association, Southern Medical Association and the American Medical Association. Dr. Coles is the father of three and the grandfather of four, and he is an active member of the Hillsboro Church of Christ and the Nashville community.

While Nashville is saddened over the retirement of such a faithful doctor, it rejoices in Dr. Coles' decision to begin the next phase of his life. As he finally has time to pursue other interests, may he find the same kindness, compassion and support that he has given all of us for more than four decades.

TRIBUTE TO KVEA–TV, CHANNEL 52

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. BECERRA. Mr. Speaker, it gives me the utmost pleasure to rise today to pay tribute to the wonderful people at KVEA–TV, channel 52, as they celebrate 10 years of quality service to the Spanish-speaking community in southern California.

KVEA is a Los Angeles-based television station that is an affiliate on Telemundo, a national Spanish-language television network. Over the last 10 years, it has reached over 750,000 homes and served the Latino community through its Emmy award-winning newscasts, entertainment and most importantly, community outreach efforts.

The vital work performed by KVEA makes it possible for members of the Latino community to connect and react to the social and political events around them.

So, it should come as no surprise that when the frightening 6.7 Northridge earthquake struck, the people at KVEA came to the rescue. Almost as soon as the tremor shook the Earth around Angelenos, the station responded with information, food and a 14-hour telethon to bolster the efforts of the American Red Cross and the Salvation Army.

When the wave of anti-immigrant sentiment surged during the 1994 election, KVEA took a stand and denounced proposition 187. The station sponsored the Riverside Summit to increase awareness and propose plans to combat immigrant bashing. As the proposition 187 vote neared, KVEA employed its newscasts, public affairs programs and public service announcements to alert viewers of the harm that its passage might bring.

Mr. Speaker, in southern California, KVEA is recognized as a leader in children's rights. It was the first and only station to broadcast the ''De Mi Corazón'' telethon to raise money for abused children. KVEA has also actively supported Walk America, a March of Dimes campaign for healthier babies.

The station has certainly taken to heart its responsibility to educate and entertain the children of southern California. And as a next step, KVEA is developing its own locally-produced children's program.

One of KVEA's proudest moments had to be September 30, 1995. On that day, 5,000 of our newest Americans decided to become full participating members of society through citizenship. The station was there from the beginning making this idea a reality. KVEA went the extra mile and donated 40 spots of air time during prime time programming to promote citizenship. The result: Absolute success.

Mr. Speaker, over the past 10 years, KVEA has been there for my family and the residents of southern California. Today, I respectfully request that the House of Representatives join me in conveying to KVEA–TV, channel 52, a heartfelt Happy Birthday and a sincere thank you for its service and achievements in America. May there be many more decennials to celebrate.

THE FIRST LANDING OF THE PILGRIMS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. STUDDS. Mr. Speaker, I rise today to honor the town of Provincetown, MA, which last week celebrated the 375th anniversary of the first landing of the Pilgrims and the signing of the Mayflower Compact, our Nation's first formal governing document.

Unfortunately, since our current Government is not as efficient as the compact, the interim resolution of the Federal budget impasse kept me in Washington. We all know, however, there is no more appropriate place to celebrate the Thanksgiving season than in Provincetown, the community in which the Pilgrims laid the foundation for democracy in this Nation.

The historic significance of the first landing and the Mayflower Compact cannot be overstated. Provincetown is where the Pilgrims first landed on November 21, 1620, after their long and arduous journey across the Atlantic. While anchored in Province Town Harbor, 41 of the Pilgrims signed the Mayflower Compact, creating a self-governing colony.

The Mayflower Compact renounced European aristocracy and created many of the tenets of freedom that we enjoy today. It was the foundation for both the Declaration of Independence and the U.S. Constitution.

The compact was modeled after a Separatist church covenant by which the signatories agreed to establish a civil government and to be bound by its laws. President John Quincy Adams called the document the first example in modern times of a social compact or system of government instituted by voluntary agreement conformable to the laws of nature, by men of equal rights and about to establish their community in a new country.

The Pilgrims were hardy people whose perseverance characterized New Englanders for generations to come. After their 66-day, cross-Atlantic passage, with little space or sanitary facilities, they faced harsh winters without proper shelter or clothing. In their first year in the New World, they lost half of their community to illness. Yet they endured. Their labors spawned a thriving colony that became modern America.

Many local families brought that spirit alive when they participated in a reenactment of the first landing on the beach—dressed in Pilgrim garb—to help dedicate a new town park. After a free concert by a 19-piece U.S. Navy jazz band, more than 5,000 holiday lights were turned on to illuminate the Pilgrim monument.

It could be said that the Pilgrims, who fled persecution in Europe, were the first ''washashores''—coming here in search of opportunity to pursue their livelihoods and dreams. Once ashore, one of their first tasks was to scour the province lands for reliable sources of clean, drinkable water. Some things never change. Just ask the Bradfords or the Brewsters, whose streets we will walk today, or pause to watch our children play on the sand on which the Pilgrims washed ashore.

Mr. Speaker, it is with special pleasure as a resident of this vibrant community that I join in commending all those who have helped organize the ambitious celebration.

Provincetown has always been a harbor of refuge, for fishermen seeking shelter from rough seas, and for those of us over the last 375 years who have sought to live our lives as we see fit in a most remarkable community. It is only in honoring our history that we can fully appreciate how extraordinary this place is, how it continue to harbor our homes and vesels, our individualism and diversity—and the fundamental value each of us places on mutual respect.

35TH ANNIVERSARY OF THE ARCTIC NATIO

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. MILLER of California. Mr. Speaker, 35 years ago today, the Eisenhower administration had the foresight to protect what then-Interior Secretary Seton described as ''one of the most magnificent wildlife and wilderness areas in North America.''

Time has shown the wisdom of that bold action by the Eisenhower administration. As designated by Congress in 1980, the Arctic National Wildlife Refuge's unique wilderness and wildlife values make it a crown jewel of our refuge system.

As industrial-scale oil development continues to sprawl across the North Slope of Alaska, pressure to open and exploit the Arctic refuge is intense. But while the oil development wolves are knocking at the refuge door, President Clinton has continued the legacy of Presidents Eisenhower and Carter through his commitment to preserving intact this vital arctic ecosystem.

Unfortunately, the Republican leadership in Congress has ignored this bipartisan history. They have tried to sneak ANWR development through Congress under cover of the budget bill, avoiding the regular process of debate and amendment. Yet the purported value of ANWR for Federal revenues is minimal at best and its value for national energy security is even more dubious since this same Congress has authorized Alaskan oil exports.

The true value of preserving ANWR's special wildlife habitat and wilderness resources for the American people are more important than ever before, transcending the worth of whatever minerals may lie below the surface. We should not sacrifice an important part of our country's natural heritage for the short-term gain of a handful of special interests.

LEGISLATION TO AMEND THE SECOND MORRILL ACT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. MFUME. Mr. Speaker, today I am introducing legislation which was initially brought to the attention of this House by my good friend, the late Congressman Mickey Leland. This legislation seeks to amend the Second Morrill Act which contains the unconstitutional separate but equal doctrine. The obsolete language that this bill seeks to delete permitted racial segregation in agricultural and mechanic arts colleges that were funded by the Agricultural College Act of 1890, or as it is more commonly known the Second Morrill Act. However, this legislation would not affect the continued funding of any institutions which were established by the act.

The Second Morrill Act authorizes Federal funds for the support of colleges to teach agriculture and mechanic arts in the States and territories. Congress stipulated in the act that funds authorized by the act may not be used for colleges which made ''a distinction of race or color in the admission of students.'' However, in the 1890's, many States either provided no education for black students or educated them in schools separate from white students. Therefore, the act allowed for the ''establishment and maintenance of such colleges separately for white and colored students'' and ''for a just and equitable division of the fund . . . between one college for white students and one institution for colored students.''

This language, which remains in the U.S. Code, stirs up memories from one of the most troubling chapters in our Nation's history. Over 40 years ago, the Supreme Court decisions in Brown versus Board of Education and Bolling versus Sharp rendered the language meaningless. Although the law may be moot, the fact that it remains on the books is an affront to all African-Americans.

The continued presence of the language in the U.S. Code contradicts our national policy against racial segregation and serves no valid function. The deletion of the language is long overdue.

I sincerely hope that the committees of jurisdiction will act quickly on this measure and that enactment will be forthcoming.

THE CIVIL WAR IN BOSNIA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. SOLOMON. Mr. Speaker, it is tragic enough that we are being driven into the morass of a civil war in Bosnia. The tragedy is compounded by the fact that we are driven by a President whose attitude on the military was set in the late 1960's. There is no evidence that his attitude has changed.

I have seen no more eloquent commentary on this tragedy than Wesley Pruden's column in yesterday's Washington Times. I place it in today's RECORD, and urge everyone to read it.

[From the Washington Times, Dec. 5, 1995]

CAUTIONARY ADVICE FROM THE MASTER

(By Wesley Pruden)

''I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information . . . at hand than I did.

''I have written and spoken and marched against . . . war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations . . . .

''From my work I came to believe that . . . no government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.''

Well, of course, that was then, when young Master William's very own rear end was on the line, and a large target it made, too. But this is now, when the only ''incoming'' he has to worry about is the errant lamp thrown across the presidential bedroom. By parties unknown, of course. Hillary's contempt for the men who wear the uniform of her country is well known, too, but like the master, the missus hides it skillfully when the chocolate chips are down, as they were yesterday when she invited reporters into the White House to see all the nice Christmas decorations.

The boys soon to be at the front occupy the first lady's deepest thoughts. Her dearest wish is for something she and the marching bands, with streamers flying, insist on calling ''the peace process,'' oblivious of the cruelty in the cliche and of what everybody beyond the Beltway understands by instinct, that the Bosnia ''peace process'' is to peace what Velveeta is to fine old Stilton.

''I also want everyone in America to support our military personnel who are going into Bosnia in the cause of peace,'' says Miss Hillary. She understands that if our boys can put their lives on the line to level killing fields drenched in the blood of a millennium of ethnic carnage, the most she can do is grit her teeth, suppress her '60s disdain for American soldiers, lately reprised at the Clinton White House, and urge everyone to send the boys at the front a Christmas card.

She wants Americans to remember the families the troops will leave behind, too. ''People who take risks for peace, which is what we have seen in Northern Ireland or now in Bosnia, need to be supported.''

Bill and Miss Hillary come late to their regard for the troops, and as sincere as they no doubt are—after months of practice at Miss Hillary's bedroom mirror the president can finally snap off a salute as crisply as any arriving boot at Parris Island—they don't understand that the rest of us need no tutelage in holding our fighting men in deference, honor and even awe. We were doing that when Master William was safe in the embrace of the friendly streets of London, leading cheers for Ho Chi Minh.

Only in America can commander-in-chief be an entry-level job, but you might think that a president with Mr. Clinton's military background (as governor, he was commander-in-chief of the Arkansas National Guard, and brooked no sloppily filled sandbags when the Ouachita River leaped its banks every spring) would choose discretion, not flamboyance, as his guide. Imagining himself as Henry V at Agincourt, he dons a dashing leather bomber jacket, with the patch of the 1st Armored Division on his breast, for the patrol to the mess hall. But neither patch nor jacket makes him George S. Patton or enrolls him in the happy band of brothers. The gesture inevitably invites his troops to see him as a little boy on a tricycle, waving a stick sword, boasting that his daddy can lick the other daddies.

Mike McCurry, the president's press man, calls this the ''theme of the week'' strategy, and this president has more themes of the week than Baskin-Robbins has flavors. The president, he says, ''wants to focus on making the humanitarian case'' for sending troops to Bosnia, especially in this ''season of hope.''

The intended point, in the familiar Clinton tactic, is that anyone who gags and retches at the cynical manipulation of tragedy is naturally someone who opposes humanitarian gestures, who feels no tug at his heart in the season of the Prince of Peace.

Rep. Ike Skelton, a Democrat from Missouri, is one such ogre. He told the House yesterday that the Clinton policy—he was too polite to call it the re-election strategy—''puts our troops in a snake pit while we're angering half the snakes.''

Snakes abound when you join civil wars, as young Master William tried to tell Col. Holmes at the University of Arkansas in that famous letter of phony piety 30 years ago. Nothing has changed.

FEDERAL WORKPLACE SAFETY STANDARDS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. EVANS. Mr. Speaker, today, I am pleased to introduce legislation to ensure that U.S. Federal contractors comply with the laws that protect working men and women from unfair management practices and unsafe conditions in the workplace.

Every year, the Federal Government awards billions of dollars in contracts to corporate America. While these recipients provide jobs to local areas, some also violate their employees' right to bargain collectively, organize, and work in safe environment.

A recent Government Accounting Office [GAO] report cited that 13 percent of the fiscal year 1993 contracts went to 80 violators of the National Labor Relations Act [NLRA]. Six of those violators were among the largest Federal contractors, ranking among the top 20 firms receiving Federal contract dollars.

Some of the most egregious violations include interrogating workers about union membership, promising workers a pay raise if they oust the union, increasing benefits to nonunion employees, threatening workers with discharge because of their union activity, and threatening to withhold a wage increase because workers selected the union as their collective bargaining representative.

Federal contractors who violate Occupational Safety and Health Act [OSHA] standards also continue to receive billions of dollars in contracts. A February 6, 1995 Wall Street Journal article cited that of 50 public companies with the largest Federal awards in fiscal 1993. 70 percent were cited by OSHA for a total of more than 1,100 willful or repeated safety violations in the previous 5 fiscal years. At a time when more than 55,000 Americans die on the job each year, we cannot afford to conduct business with contractors who willfully

jeopardize the lives of their workers for the sake of the bottom line.

While big business, in the face of record profits, continues to ignore its responsibility to its workers and U.S. law, we cannot turn our backs on the hard working men and women of this country.

For this reason, I urge my colleagues to sponsor both pieces of legislation which will debar companies from receiving Federal contracts if a company demonstrates ''a clear pattern and practice'' of violating the NLRA and OSHA respectively.

These bills are steps toward improving compliance and ensuring that the Federal Government does not subsidize egregious labor and workplace safety standards.

JOHN STANKOVIC HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the 50th anniversary of a musical institution in my District in Pennsylvania. This year a musician and longtime family friend from my hometown, Mr. John Stankovic will celebrate a half-century of bringing polka music to Northeastern Pennsylvania and to the world.

John Stankovic, known as Stanky to all who love his music, began with accordion lessons as a young boy. Even then he performed at small gatherings in the Nanticoke area. Stanky's first band was known as the TIp-Toppers and traveled the area playing at weddings and private parties. Several years later the band officially became Stanky and the Coalminers to pay tribute to the area's coalminer heritage. As a young man, Stanky thought he would pursue a career in sports and even tried out for the Cleveland Indians. He tells the story that when considering his career, he followed the advice of his father, Joe Stankovic, who told him, ''Son, you are a pretty good basketball player and a pretty good baseball player, but if you learn eight good songs, you'll never starve.''

Although his mother also encouraged his music and taught him to sing, success did not come quickly or easily to Stanky. For 17 years he worked as a ''ragman''. He drove up and down the streets of town collecting anything he could resell to support himself. At night, he played polkas.

Mr. Speaker, although John Stankovic had a humble beginning, he and the Coalminers have risen to international fame. They have played in Japan, England, France, Holland, Germany, Spain, Australia, and Canada. The Coalminers were the first polka band to entertain the Chinese. The Band has also traveled its share of sea miles. The Coalminers just completed their 71st cruise to Alaska and received awards from Holland America Cruise Lines for hundreds of thousands of miles logged as performers at sea. For 11 years, the group has had its own show on our public television station and regularly showcases other local polka bands. Even with their grueling schedule, every Sunday night that the band is in the area, they can be found at a local supper club for polka night.

Mr. Speaker, John and his wonderful wife, Dottie are close personal friends of my family. I remember so well the night of my first election victory in the primary race that would eventually take me to Congress.

In a room crowded with well wishers and supporters, Stanky played ''Happy Days Are Here Again'' as I arrived on the platform with my family to claim our victory. John's rendition of that old favorite will always be a part of the memory of that wonderful night.

Mr. Speaker, I am pleased to be among his many friends, fans and admirers who wish Stanky well on this momentous occasion. We in Northeastern Pennsylvania hope to hear the music of Stanky and his Coalminers for many years to come. I send my very best wishes to my very good friends, Stanky, Dottie, and the Coalminers on 50 years of wonderful polka music.

TRIBUTE TO LA SALLE ACADEMY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. REED. Mr. Speaker, it gives me great pleasure to rise today and salute La Salle Academy, an outstanding educational institution in Rhode Island that is celebrating its 125th anniversary.

Following in the tradition of the 17th century religious educator, John Baptist de La Salle, Rev. Michael Tierney established an institution in Providence, RI that espoused Catholic ideals and principles. In 1871, he invited the de La Salle Christian Brothers to teach at this parish school, and the Brothers' School was renamed La Salle Academy in 1876.

Over the years, many generations of young men, and for the past decade, women, have attended La Salle Academy. In addition to receiving a quality education, these young people have been inspired to make a commitment to others as part of their education. Today, La Salle alumni have gone on to make significant contributions to nearly every walk of life in Rhode Island and throughout the Nation. Many have made significant contributions to our community as leaders in medicine, business, law, politics, religion, and education. Others have chosen to work directly with the poor and underprivileged.

Many distinguished Rhode Islanders have graduated from La Salle, including two beloved Governors, Gov. J. Joseph Garrahy and the late Dennis J. Roberts, as well as two former Members of the U.S. Congress, Representative John E. Fogarty, class of 1930 and Representative Robert O. Tiernan, class of 1948. I am especially proud and honored to offer these words as a 1967 graduate of La Salle Academy.

I would respectfully ask my colleagues to join me in paying tribute to this Rhode Island academic institution as it celebrates 125 years of commitment to education and to our community.

TRIBUTE TO ROBERT BENNETT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. KNOLLENBERG. Mr. Speaker, I rise to pay tribute to Robert D. Bennett.

For the past 25 years, Bob Bennett has honorably served the city of Livonia, MI, as an elected official. From 1970 to 1987, he served on the city council. A former president of the council, he was elected mayor of Livonia in 1988.

As mayor, Bob Bennett has made Livonia one of the best places in America to live. In fact, Livonia was recognized this year by a prominent nonprofit organization as being the 8th best place in America to raise a child. While Mayor Bennett's contributions to Livonia are too numerous to list, I want to pay special consideration to his successful effort to implement the DARE program in Livonia's schools; his work to make Livonia's streets safer by providing the city's police officers with the latest crime fighting technology, and his leadership on financial matters that has improved Livonia's bond rating from A to A+.

The people of Livonia are grateful for Bob Bennett's dedication to public service. On their behalf, I wish Bob and his wife, Janet, the very best in their future endeavors.

Mayor Bennett, who is term-limited, is a native of Highland Park MI. He served in the Air Force from 1946 to 1949. In 1955, he earned a B.S. in engineering law from Wayne State University.

TRIBUTE TO RODOLFO ''RUDY'' VALLES ON HIS RETIREMENT FROM EAST LOS ANGELES COLLEGE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring a long time friend of mine, Mr. Rodolfo ''Rudy'' Valles, on the occasion of his retirement from East Los Angeles College [ELAC], where he serves as associate dean of admissions. Rudy has given 23 years of dedicated and exemplary service to ELAC, and though his contributions will continue to benefit students, his presence will be missed by those who have had the pleasure of working with him.

Rudy received his associate of arts from ELAC, and his bachelor's and master's degrees from California State University, Los Angeles [CSULA]. He began his employment at ELAC in 1971 as an hourly program assistant. He later moved up the ranks to work as an art instructor. During this time, he was also employed as an hourly graduate assistant at CSULA.

In 1978, Rudy became a special assignment art instructor and in 1979 he was on special assignment at extended opportunities programs and services [EOPS]. During the 1980–81 school year, he became associate dean of the EOPS program. He continued to move up the ranks, and later became acting dean of student services. In 1990, he was promoted to

the position of associate dean of admissions, matriculation and athletics at ELAC.

In addition to his contributions to the ELAC community, Rudy has volunteered much of his time to civic and community groups at large. He has been an active and supportive member of my Congressional Award Council, serving on the board of directors since the council's creation. Rudy and his lovely wife, Betty, have been diligent supporters of this program, which aims to enrich the lives of youth of our community. Without the kind of steadfast support that Rudy and Betty have provided, the program would not have enjoyed the success it has met over the past 10 years.

Mr. Speaker, it is with profound pride that I ask my colleagues to join me in honoring a very good friend, Mr. Rudy Valles, on the occasion of his retirement from East Los Angeles College.

DOUG BARNARD, JR.—1996 ATLANTA CENTENNIAL OLYMPIC GAMES COMMEMORATIVE COIN ACT (H.R. 2336)

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. BISHOP. Mr. Speaker, When the United States hosts the Olympic games this coming year, it will mark the 100th anniversary of the modern games.

My State of Georgia is the official host State. And this is where most of the Olympic events will take place. But not all. A number of other events will be held in communities around the country. The entire country is really the host. In a very real sense, every American is a part of this Olympic celebration. And can take pride in it.

Three years ago, Congress enacted the Doug Barnard, Jr.—1996 Atlanta Centennial Olympic Games Commemorative Coin Act. This measure authorized the minting of the largest commemorative coin series ever produced. Today, we are amending that measure to reduce the mintage levels for the upcoming Olympic year. This will boost the sales of the coins by increasing their value to collectors. And these sales raise essential revenue for Atlanta's Olympic committee.

The bill is named for former Congressman Doug Bernard, my fellow Georgian who led the way in establishing a financially self-sufficient commemorative coin program. This is fitting recognition of his contributions to the U.S. Mint.

GENDER BIAS IN THE U.S. COURTS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mrs. MORELLA. Mr. Speaker, I rise today to express my strong support for gender bias studies in our Federal and State courts. Gender bias in our judiciary exists and it affects decisionmaking in our courts. It affects judges, lawyers, litigants, jurors, court personnel, and the general public.

One of the critical titles in the Violence Against Women Act—Equal Justice for Women in the Courts—provides for these studies. This Congress has overwhelmingly supported this legislation and the Commerce, Justice, State, and judiciary appropriations conference report full funding for VAWA's equal justice in the courts provisions.

It is important to note that the U.S. Judicial Conference has endorsed the study of gender bias in the Federal courts and at least seven Federal circuits have formed task forces to conduct studies, not only of gender bias but also biases based on ethnicity and race.

Many States, including my State of Maryland, have undertaken gender bias studies with good results. Today, all over this country changes have been made in the way the crimes of domestic violence and rape are adjudicated and the way in which child custody and divorce proceedings are handled.

Our courts at the Federal and the State levels must be given the funding that will allow our justice system to function as the Founding Fathers intended—fairly. There must be no misunderstanding. This Congress supports the principle of and funding for gender bias studies on our Federal and State courts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 7, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 8

9:00 a.m.
Foreign Relations
To hold hearings on the nomination of Ralph R. Johnson, of Virginia, to be Ambassador to the Slovak Republic.
SD–419

10:00 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for November.
SD–628

DECEMBER 12

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 873, to establish the South Carolina National Heritage Corridor, S. 944, to provide for the establishment of the Ohio River Corridor Study Commission, S. 945, to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, S. 1020, to establish the Augusta Canal National Heritage Area in the State of Georgia, S. 1110, to establish guidelines for the designation of National Heritage Areas, S. 1127, to establish the Vancouver National Historic Reserve, and S. 1190, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.
SD–366

Small Business
To hold hearings on proposals to strengthen the Small Business Investment Company program.
SR–428A

Indian Affairs
Business meeting, to mark up S. 814, to provide for the reorganization of the Bureau of Indian Affairs, and S. 1159, to establish an American Indian Policy Information Center.
SR–485

2:30 p.m.
Environment and Public Works
To hold hearings on provisions of S. 776, to reauthorize the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act.
SD–406

DECEMBER 13

9:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for the Clean Water Act, focusing on municipal issues.
SD–406

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 901, to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, S. 1013, to acquire land for exchange for privately held land for use as wildlife and wetland protection areas, in connection with the Garrison Diversion Unit Project, S. 1154, to authorize the construction of the Fort Peck Rural Water Supply Sytem, S. 1169, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, Idaho, and S. 1186, to provide for the transfer of operation and maintenance of the Flathead irrigation and power project.
SD–366

DECEMBER 14

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1271, to amend the Nuclear Waste Policy Act of 1982.
SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S18037–S18116

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1450–1452, and S. Con. Res. 34. **Pages S18099–S18100**

Measures Reported: Reports were made as follows:

H.R. 665, to control crime by mandatory victim restitution, with an amendment in the nature of a substitute. (S. Rept. No. 104–179) **Page S18099**

Measures Passed:

Housing for Older Persons Act: By 94 yeas to 3 nays (Vote No. 590), Senate passed H.R. 660, to amend the Fair Housing Act to modify the exemption from certain familian status discrimination prohibitions granted to housing for older persons, after agreeing to a committee amendment in the nature of a substitute. **Pages S18063–71**

Flag Desecration: Senate began consideration of a motion to proceed to the consideration of S.J. Res. 31, proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States.

Pages S18037–49, S18056–57, S18059–63, S18086–87

A motion was entered to close further debate on the motion to proceed to consideration of the resolution and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, December 8, 1995. **Page S18086**

Partial-Birth Abortion Ban: Senate resumed consideration of H.R. 1833, to amend title 18, United States Code, to ban partial-birth abortions, taking action on amendments proposed thereto, as follows: **Pages S18071–86**

Pending:

(1) Smith Amendment No. 3080, to provide a life-of-the-mother exception. **Pages S18071–86**

(2) Dole Amendment No. 3081 (to Amendment No. 3080), of a perfecting nature. **Pages S18071–86**

(3) Pryor Amendment No. 3082, to clarify certain provisions of law with respect to the approval and marketing of certain prescription drugs. **Page S18071**

(4) Boxer Amendment No. 3083 (to Amendment No. 3082), to clarify the application of certain provisions with respect to abortions where necessary to preserve the life or health of the woman. **Page S18071**

(5) Brown Amendment No. 3085, to limit the ability of deadbeat fathers and those who consent to the mother receiving a partial-birth abortion to collect relief. **Pages S18071–72**

A unanimous-consent agreement was reached providing for further consideration of the bill and amendments pending thereto, on Thursday, December 7, 1995. **Page S18072**

Federal Reporting Requirements: Senate concurred in the amendment of the House to S. 790, to provide for the modification or elimination of Federal reporting requirements, with a further amendment proposed thereto, as follows: **Pages S18106–14**

Dole (for McCain/Levin) Amendment No. 3086, to make certain technical corrections to the House amendment. **Page S18114**

Appointments:

Commission for the Preservation of America's Heritage Abroad: The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–83, appointed the following individuals to the Commission for the Preservation of America's Heritage Abroad: Rabbi Chaskel Besser, of New York, E. William Crotty, of Florida, and Ned Bandler, of New York. **Page S18115**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report on the administration of export controls; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–100). **Pages S18098–99**

Statements on Introduced Bills: **Pages S18100–02**

Additional Cosponsors: **Page S18102**

Amendments Submitted: **Page S18103**

Authority for Committees: **Page S18103**

Additional Statements: **Page S18103**

Record Votes: One record vote was taken today. (Total–590) **Page S18070**

Adjournment: Senate convened at 10 a.m., and adjourned at 8:01 p.m., until 9 a.m., on Thursday, December 7, 1995. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S18114.)

Committee Meetings

(Committees not listed did not meet)

BOSNIA

Committee on Armed Services: Committee held hearings to review the Bosnian Peace Agreement, the North Atlantic Council military plan and the proposed mission for United States military forces deployed with the Implementation Force (IFOR), receiving testimony from William J. Perry, Secretary of Defense; Richard C. Holbrooke, Secretary of State for European and Canadian Affairs; and Gen. John M. Shalikashvili, Chairman, Joint Chiefs of Staff.

Committee recessed subject to call.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 884, to designate certain public lands in the State of Utah as wilderness, with an amendment in the nature of a substitute;

H.R. 2437, to provide for the exchange of certain lands in Gilpin County, Colorado, in lieu of S. 985;

S. 342, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, with an amendment in the nature of a substitute;

H.R. 562, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; and

S. 509, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park.

LANGUAGE OF GOVERNMENT ACT

Committee on Governmental Affairs: Committee held hearings on S. 356, to make English the official language of the Federal Government, receiving testimony from Senator Shelby; Representatives Emerson and Roth; Mauro E. Mujica, U.S. English, Inc., Washington, DC; Lowell Gallaway, Ohio University, Athens; Sayyid Muhammad Syeed, Islamic Society of North America, Plainfield, Indiana; Shahab Oarni, Asian American Union, Baltimore, Maryland; and Miroslava Vukelich, Los Angeles, California.

Hearings were recessed subject to call.

OSHA REFORM

Committee on Labor and Human Resources/Committee on Small Business: Committees concluded joint hearings on S. 1423, to make modifications to certain provisions of the Occupational Safety and Health Act of 1970, focusing on the needs of small businesses, after receiving testimony from Paul Middendorf, Georgia State OSHA Consultation Program, Atlanta; Mark Hyner, Whyco Chromium Company, Thomaston, Connecticut; Daniel E. Richardson, Latta Road Nursing Homes, Rochester, New York; Earl Bradley, EBAA Iron, Inc., Eastland, Texas; Mike McMichael, McMichael Company, Central, South Carolina; John Cheffer, American Society of Safety Engineers, Des Plaines, Illinois; David Carroll, Woodpro Cabinetry, Inc., Cabool, Missouri, on behalf of the Voluntary Protection Programs Participants' Association; and Robert A. Georgine, Building and Construction Trades Department (AFL-CIO), and Deborah Berkowitz, United Food and Commercial Workers International Union, both of Washington, DC.

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Committee on Indian Affairs: Committee concluded oversight hearings on the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601), after receiving testimony from Katherine H. Stevenson, Associate Director, Cultural Resource Stewardship and Partnerships, National Park Service, Department of the Interior; Tessie Naranjo, Santa Clara Pueblo, Espanola, New Mexico, and Dan L. Monroe, Peabody Essex Museum, Salem, Massachusetts, both on behalf of the National Review Committee for NAGPRA; Cecil F. Antone, Gila River Indian Community, Sacaton, Arizona; Elizabeth Blackowl, Pawnee Tribe of Oklahoma, Pawnee, Oklahoma; Walter Echohawk, Native American Rights Fund, Boulder, Colorado; Jesse Taken Alive and Tim Mentz, both of the Standing Rock Sioux Tribe, Fort Yates, North Dakota; and William J. Moynihan, Milwaukee Public Museum, Milwaukee, Wisconsin.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine certain issues relative to the Whitewater Development Corporation, receiving testimony from John Keeney, Deputy Attorney General, Criminal Division, Joseph Gangloff, Principal Deputy Chief, Public Integrity Section, G. Allen Carver, Principal Deputy Chief, Frauds Section, and Gerald McDowell, Chief of Assets and Forfeiture, all of the Department of Justice.

Committee will meet again tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 2722–2734; 1 private bill, H.R. 2735; and 2 resolutions, H. Con. Res. 118, and H. Res. 292 were introduced.

Page H14172

Reports Filed: Reports were filed as follows:

Conference report on H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996 (H. Rept. 104–384);

H. Res. 291, waiving points of order against the further conference report on H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996 (H. Rept. 104–385);

H.R. 1787, to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement (H. Rept. 104–386); and

H.R. 325, to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, amended (H. Rept. 105–387). **Pages H14112–36, H14172**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Radanovich to act as Speaker pro tempore for today.

Page H14025

Committees To Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Agriculture, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, National Security, Resources, and Science. **Page H14030**

Federal Securities Litigation: By a yea-and-nay vote of 320 yeas to 102 nays with 1 voting "present", Roll No. 839, the House agreed to the conference report on H.R. 1058, to reform Federal securities litigation—clearing the measure for the President. **Pages H14039–55**

H. Res. 290, the rule which waived points of order against the conference report, was agreed to earlier by a yea-and-nay vote of 318 yeas to 97 nays with 1 voting "present", Roll No. 838.

Pages H14030–39

Two-Thirds Vote Waiver: H. Res. 260, waiving a requirement of clause 5(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, was laid on the table.

Page H14039

Bills Re-referred: H.R. 103, to amend title 5, United States Code, to provide that the Civil Service Retirement and disability Fund be excluded from the budget of the United States Government, which was referred to the Committee on Government Reform and Oversight, was re-referred to the Committee on the Budget as the primary committee;

Page H14056

H.R. 564, to provide that receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund shall not be included in the totals of the budget of the United States Government as submitted by the President or the congressional budget, which was referred to the Committee on Government Reform and oversight, was discharged from that committee's consideration and re-referred to the Committee on the Budget as the primary committee and in addition to the Committee on Transportation and Infrastructure; and **Page H14056**

H.R. 842, to provide for off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Trust Fund, which was referred to the Committee on Government Reform and Oversight, was discharged from that committee's consideration and re-referred to the Committee on Transportation

and infrastructure as the primary committee and in addition to the Committee on the Budget.

Page H14056

Maritime Security: House passed H.R. 1350, to amend the Merchant Marine Act, 1936, to revitalize the United States-flag merchant marine.

Pages H14062–78

Agreed To:

The Bateman amendment, as modified, made in order by the rule; and **Pages H14070–75**

The Bateman amendment that provides that the Secretary shall accept applications for enrollment of vessels in the fleet no later than 30 days after enactment. **Pages H14075–76**

H. Res. 287, the rule under which the bill was considered, was agreed to earlier by a voice vote.

Pages H14056–62

Agreed to the Quillen amendment that provided 20 minutes instead of 10 minutes of debate on the amendment made in order by the rule. **Page H14056**

Commerce-State-Justice Appropriations: By a yea-and-nay vote of 256 yeas to 166 nays, Roll No. 841, the House agreed to the conference report on H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996—clearing the measure for Senate action. **Pages H14087–H14112**

By a yea-and-nay vote of 190 yeas to 231 nays, Roll No. 840, rejected the Skaggs motion to recommit the conference report to the committee of conference with instructions that within the scope of the differences committed to them, the House conferees insist that the funds intended for community policing block grants be provided instead for the COPS Program. **Pages H14111–12**

H. Res. 289, the rule which waived points of order against the conference report, was agreed to earlier by a voice vote. **Pages H14078–87**

Presidential Veto Message—Budget Reconciliation: Read a message from the President wherein he announces his veto of H.R. 2491, to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996; and explains his reasons therefor—ordered printed (H. Doc. 104–141). **Pages H14136–37**

Agreed to the Kolbe motion to refer the veto message and the bill accompanying bill to the Committee on the Budget. **Page H14137**

Meeting Hour: Agreed that the House will meet at 11 a.m. on Thursday, December 7. **Page H14137**

Presidential Message—Export Licenses: Read a message from the President wherein he reports he has issued an Executive order to revise the existing procedures for processing export license applications submitted to the Department of Commerce—referred to the Committee on International Relations and ordered printed (H. Doc. 104–142).

Pages H14137–38

Senate Messages: Messages received from the Senate today appear on page H14025.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear on pages H14038–39, H14055, H14111–12, and H14112. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 11:14 p.m.

Committee Meetings

OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS

Committee on Agriculture: Subcommittee on Department Operations, Nutrition, and Foreign Agriculture held a hearing to review the USDA's Office of Risk Assessment and Cost-Benefit Analysis. Testimony was heard from the following officials of the USDA: Alwynelle Ahl, Director, Office of Risk Assessment and Cost-Benefit Analysis; and Keith Collins, Chief Economist.

OVERSIGHT—PACIFIC NORTHWEST POWER SYSTEM

Committee on Commerce: Subcommittee on Energy and Power held an oversight hearing on the Pacific Northwest Power System. Testimony was heard from Randall W. Hardy, Administrator and CEO, Bonneville Power Administration, Department of Energy; and public witnesses.

PARENTS, SCHOOLS, AND VALUES

Committee on Economic and Educational Opportunities: Subcommittee on Oversight and Investigations concluded hearings on Parents, Schools, and Values. Testimony was heard from public witnesses.

GOVERNMENT SHUTDOWN: WHAT'S ESSENTIAL?

Committee on Government Reform and Oversight: Subcommittee on Civil Service held a hearing on Government Shutdown: What's Essential? Testimony was heard from Walter Broadnax, Deputy Secretary, Department of Health and Human Services; Dwight Robinson, Acting Deputy Secretary, Department of Housing and Urban Development; Thomas P. Glynn, Deputy Secretary, Department of Labor; George Munoz, Assistant Secretary, Management and Chief Financial Officer, Department of the Treasury; Eugene A. Brickhouse, Assistant Secretary, Human

Resources and Administration, Department of Veterans Affairs; Shirley A. Chater, Commissioner, SSA; John A. Koskinen, Deputy Director, Management, OMB; Christopher H. Schroeder, Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice; and Allan D. Heuerman, Associate Director, Human Resources Systems Service, OPM.

D.C. FISCAL PROTECTION ACT

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia held a hearing on H.R. 2661, District of Columbia Fiscal Protection Act of 1995. Testimony was heard from Representative Gekas; Edward DeSeve, Controller, OMB; Andrew Brimmer, Chairman, District of Columbia Financial Responsibility and Management Assistance Authority; the following officials of the District of Columbia: Marion Barry, Mayor; Anthony Williams, Chief Financial Officer; Michel Rogers, City Administrator; and Marlene Kelly, Deputy Commissioner for Public Health; and public witnesses.

UNITED STATES POLICY TOWARD BOSNIA

Committee on International Relations: Continued hearings on United States policy toward Bosnia. Testimony was heard from Jeane Kirkpatrick, former Permanent U.S. Representative to the United Nations; John Bolton, former Assistant Secretary, Department of State; and Brent Scowcroft, former National Security Advisor.

The Committee also held a briefing on this subject. The Committee was briefed by Lt. Gen. Rupert Smith, USA, Commander, U.N. Protection Force in Bosnia; Adm. Eugene J. Carroll, USN (Ret.), former Director, Operations for the Commander-in-Chief, U.S. European Command; James Schlesinger, former Secretary of Defense; and Richard Perle, former Assistant Secretary, Department of Defense.

MISCELLANEOUS MEASURES; U.S. SECURITY INTERESTS IN SOUTH ASIA

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action the following measures: H. Res. 274, amended, concerning Burma and the U.N. General Assembly; and H. Con. Res. 117, concerning writer, political philosopher, human rights advocate, and Nobel Peace prize nominee Wei Jingsheng.

The Subcommittee also held a hearing on U.S. Security Interests in South Asia. Testimony was heard from Robin L. Raphael, Assistant Secretary, South Asian Affairs, Department of State; Bruce O. Riedel, Deputy Assistant Secretary, Near Eastern and South Asian Affairs, Department of Defense; and public witnesses.

UNITED STATES GROUND FORCES IN BOSNIA

Committee on National Security: Continued hearings on the proposed deployment of United States ground forces to Bosnia. Testimony was heard from the following officials of the Department of Defense: Walter B. Slocombe, Under Secretary, Policy; and Lt. Gen. H.M. Estes, III, USAF, Director for Operations (J–3), The Joint Staff; and Christopher Hill, Director, Office of South Central European Affairs, Department of State.

RADIOACTIVE MATERIAL DISPOSAL

Committee on National Security: Subcommittee on Military Research and Development and Subcommittee on Fisheries, Wildlife and Oceans of the Committee on Resources held a joint hearing on the disposal of radioactive material and other toxic waste in oceans and tributaries. Testimony was heard from Ambassador David A. Colson, Acting Assistant Secretary, Oceans, International Environment, Department of State; from the following officials of the Department of Defense: Sherri W. Goodman, Deputy Under Secretary, Environmental Security; and RAdm. Marc Pelaez, USN, Chief, Naval Research, Department of the Navy; Lawrence K. Gershwin, National Intelligence Council, CIA; Philip Valant, Naval Research Laboratory, John C. Stennis Space Center, NASA; Lewis Nagy, Assistant Commissioner, Policy and Planning, Department of Environmental Protection, State of New Jersey; and public witnesses.

CONFERENCE REPORT—VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and against its consideration. The rule further waives points of order against the motion printed in the joint explanatory statement of the committee on conference to dispose of the amendment of the Senate 63. Finally, the rule provides that if the conference report is adopted, then a motion that the House insist on its disagreement to Senate amendment 63 shall be debatable for 1 hour. Testimony was heard from Representative Lewis of California.

SUPERFUND RESEARCH AND DEVELOPMENT

Committee on Science: Subcommittee on Energy and Environment held a hearing on Superfund Research and Development: The Role of R&D in a Reformed

Superfund. Testimony was heard from Robert J. Huggett, Assistant Administrator, Research and Development, EPA; and Lawrence J. Dyckman, Associate Director, Resources, Community, and Economic Development Division, GAO.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

CURRENT WELFARE REFORM SUCCESS STORIES

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on current welfare reform success stories. Testimony was heard from Carmen Nazario, Secretary, Department of Health and Social Services, State of Delaware; Stephanie Comai-Page, Social Welfare Policy Advisor and Federal Liaison for the Director, Department of Social Services, State of Michigan; Joseph Gallant, Commissioner, Department of Transitional Assistance, State of Massachusetts; Edward L. Schilling, Director, Fond du Lac County, Department of Social Services, Fond du Lac, State of Wisconsin; and public witnesses.

Joint Meetings

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

Conferees met to resolve the differences between the Senate- and House-passed versions of S. 652, to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, but did not complete action thereon, and recessed subject to call.

APPROPRIATIONS—VA/HUD

Conferees agreed to file a further conference report on the differences between the Senate- and House-passed versions of H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996.

BOSNIA

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission held hearings to examine the documentation of crimes against humanity in Bosnia and Herzegovina and Croatia, receiving testimony from David Rohde, Christian Science Monitor, Boston, Massachusetts; Barbara C. Wolf, Albany, New York, on behalf of AmeriCares; and Ivan Lupis, Human Rights Watch/Helsinki, New York, New York.

Commission recessed subject to call.

BILLS VETOED

H.R. 2491, to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996. (Vetoed December 6, 1995).

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 7, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs, to hold hearings on S. 94, to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases, 9:30 a.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Rules and Administration, to hold hearings to examine how to manage Senate technology in the information age, 9:30 a.m., SR–301.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, business meeting, to consider the issuance of subpoenas of certain documents, 11 a.m., SH–216.

NOTICE

For a Listing of Senate Committee Meetings scheduled ahead, see page E2303 in today's Record.

House

Committee on Agriculture, Subcommittee on Resource Conservation, Research, and Forestry, hearing on the status of the Federal Agricultural Mortgage Corporation (Farmer Mac) and H.R. 2130, Farmer Mac Reform Act of 1995, 12:30 p.m., 1300 Longworth.

Committee on Banking and Financial Services, Subcommittee on Domestic and International Monetary Policy, to mark up H.R. 2627, Smithsonian Institution Sesquicentennial Commemorative Coin Act of 1995, 1 p.m., 2128 Rayburn.

Committee on International Relations, hearing on Democracy, Rule of Law and Police Training Assistance, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 2604, Bankruptcy Judgeship Act of 1995, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, hearing on H.R. 2128, Equal Opportunity Act of 1995, 10 a.m., 2237 Rayburn.

Subcommittee on Courts and Intellectual Property, hearing on H.R. 2511, Anticounterfeiting Consumer Protection Act of 1995, 10 a.m., B–352 Rayburn.

Subcommittee on Crime, oversight hearing on the ''COPS'' Program, authorized by the Public Safety Partnership and Community Policing Act of 1994 (Title I of the Violent Crime Control and Law Enforcement Act of 1994), 9:30 a.m., 2154 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on agricultural guest worker programs, 10 a.m., 2226 Rayburn.

Committee on Resources, Subcommittee on National Parks, Forests and Lands, hearing on the following measures: H.R. 810, Revolutionary War and War of 1812 Historic Preservation Study Act of 1995; H.R. 970, to improve the administration of the Women's Rights National Historical Park in the State of New York; and H.J. Res. 70, authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia; to be followed by a markup of H.J. Res. 70, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Technology, hearing on An Industry Perspective of FAA R&D Programs, 9:30 a.m., 2318 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 11 a.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Public Aircraft and Special Purpose Aircraft, 9:30 a.m., 2167 Rayburn.

Subcommittee on Public Buildings and Economic Development, hearing and markup of the following measures: H.R. 2061, to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR, as the ''David J. Wheeler Federal Building;'' H.R. 2111, to designate the Social Security Administration's Western Program Service Center located at 1221 Nevin Avenue, Richmond, CA, as the ''Francis J. Hagel Building;'' H.R. 2481, to designate the Federal Triangle project under construction at 14th Street and Pennsylvania Avenue, NW., in the District of Columbia, as the ''Ronald Reagan Building and International Trade Center;'' H.R. 2504, to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the U.S. Courthouse located on Otis Street, in Asheville, NC, as the ''Veach-Baley Federal Complex;'' H.R. 2547, to designate the U.S. Courthouse located at 800 Market Street in Knoxville, TN, as the ''Howard H. Baker, Jr. United States Courthouse;'' H.R. 2556, to redesignate the Federal building located at 345 Middlefield Road in Menlo Park, CA, and known as the Earth Sciences and Library Building, as the ''Vincent E. McKelvey Federal Building;'' and S. 369, to designate the Federal Courthouse in Decatur, AL, as the ''Seybourn H. Lynne Federal Courthouse; and to mark up H.R. 2620, to direct the Architect of the Capitol to sell the parcel of real property located at 501 First Street, SE., in the District of Columbia, 2 p.m., 2253 Rayburn.

Next Meeting of the SENATE

9 a.m., Thursday, December 7

Senate Chamber

Program for Thursday: After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will consider the conference report on H.R. 2076, State, Justice, Commerce Appropriations, 1996.

Senate will also resume consideration of H.R. 1833, Partial-Birth Abortion Ban Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Thursday, December 7

House Chamber

Program for Thursday: Consideration of the further conference report on H.R. 2099, VA–HUD Appropriations for Fiscal Year 1996 (rule waiving points of order).

Extensions of Remarks, as inserted in this issue

HOUSE

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